

**Security Council**

Distr.: General
29 July 2011

Original: English

**France, Gabon, Germany and United Kingdom of Great Britain
and Northern Ireland: draft resolution**

The Security Council,

Reaffirming its previous resolutions and the statements of its President concerning the situation in Somalia, and concerning Eritrea, in particular resolution 733 (1992), which established an embargo on all delivery of weapons and military equipment to Somalia (hereinafter referred to as the "Somalia arms embargo"), resolution 1519 (2003), resolution 1558 (2004), resolution 1587 (2005), resolution 1630 (2005), resolution 1676 (2006), resolution 1724 (2006), resolution 1744 (2007), resolution 1766 (2007), resolution 1772 (2007), resolution 1801 (2008), resolution 1811 (2008), resolution 1844 (2008), resolution 1853 (2008), resolution 1862 (2009), resolution 1907 (2009), resolution 1916 (2010), and resolution 1972 (2011),

Recalling that, as set out in its resolutions 1744 (2007) and 1772 (2007), the arms embargo on Somalia does not apply to (a) weapons and military equipment, technical training and assistance intended solely for support of or use by the African Union Mission in Somalia (AMISOM), and (b) supplies and technical assistance by States intended solely for the purpose of helping develop security sector institutions, consistent with the political process set out in those resolutions and in the absence of a negative decision by the Committee established pursuant to resolution 751 (1992), the mandate of which was expanded pursuant to resolution 1907 (2009) (hereinafter referred to as "the Committee"), within five working days of receiving an advance notification of such supplies or assistance on a case-by-case basis,

Recalling its resolutions 1612 (2005), 1882 (2009) and 1998 (2011) on children and armed conflict, resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009) and 1960 (2010) on women, peace and security, and resolutions 1265 (1999), 1296 (2000), 1325 (2000), 1612 (2005), 1674 (2006), 1738 (2006), 1820 (2008), 1882 (2009), 1888 (2009) and 1889 (2009) on the protection of civilians in armed conflicts,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia, Djibouti and Eritrea respectively,

Reaffirming that the Djibouti Peace Agreement and the Peace Process represent the basis for a resolution of the conflict in Somalia, and reiterating its commitment to a comprehensive and lasting settlement of the situation in Somalia



based on the Transitional Federal Charter (TFC), and reiterating the urgent need for all Somali leaders to take tangible steps to continue political dialogue,

Taking note of the report of the Monitoring Group dated 18 July 2011 (S/2011/433) submitted pursuant to paragraph 6 (k) of resolution 1916 (2010) and the observations and recommendations contained therein,

Condemning flows of weapons and ammunition supplies to and through Somalia and Eritrea in violation of the Somalia arms embargo and the Eritrea arms embargo established pursuant to resolution 1907 (2009) (hereinafter referred to as the "Eritrea arms embargo"), as a serious threat towards peace and stability in the region,

Calling upon all Member states, in particular those in the region, to refrain from any action in contravention of the Somalia and Eritrea arms embargoes, and to take all necessary steps to hold violators accountable,

Reaffirming the importance of enhancing the monitoring of the Somalia and Eritrea arms embargoes through persistent and vigilant investigation into the violations, bearing in mind that strict enforcement of the arms embargoes will improve the overall security situation in the region,

Expressing concern at acts of intimidation against the Monitoring Group and interference with the Monitoring Group's work,

Reiterating its serious concern about the worsening humanitarian situation in Somalia, and the impact of the current drought and famine, *strongly condemning* the targeting and obstruction of the delivery of humanitarian aid by armed groups in Somalia, which has prevented the delivery of such aid in some areas and *deploring* the repeated attacks on humanitarian personnel,

Reiterating its condemnation in the strongest terms of all acts of violence, abuses and violations, including sexual and gender-based violence, committed against civilians, including children, in violation of applicable international law, *stressing* that the perpetrators must be brought to justice, *recalling* all its relevant resolutions on women, peace and security, on children and armed conflict, and on the protection of civilians in armed conflicts, and *considering* therefore that the existing designation criteria for targeted measures under resolution 1844 (2008) need to be reaffirmed and further strengthened,

Reaffirming the need for both the Transitional Federal Institutions (TFIs) and donors to be mutually accountable and transparent in the allocation of financial resources,

Calling for the end of the misappropriation of financial funds which undermine the ability of local authorities to deliver services in Somalia,

Determining that the situation in Somalia, Eritrea's actions undermining peace and reconciliation in Somalia as well as the dispute between Djibouti and Eritrea continue to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides that the measures in paragraphs 1, 3, and 7 of resolution 1844 (2008) shall apply to individuals, and that the provisions of paragraphs 3 and 7 of that resolution shall apply to entities, designated by the Committee:

(a) as engaging in or providing support for acts that threaten the peace, security or stability of Somalia, including acts that threaten the Djibouti Agreement of 18 August 2008 or the political process, or threaten the TFIs or AMISOM by force;

(b) as having acted in violation of the general and complete arms embargo reaffirmed in paragraph 6 of resolution 1844 (2008);

(c) as obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia;

(d) as being political or military leaders recruiting or using children in armed conflicts in Somalia in violation of applicable international law;

(e) as being responsible for violations of applicable international law in Somalia involving the targeting of civilians including children and women in situations of armed conflict, including killing and maiming, sexual and gender-based violence, attacks on schools and hospitals and abduction and forced displacement;

2. *Considers* that acts under paragraph 1 (a) above may include, but are not limited to, the misappropriation of financial resources which undermines the Transitional Federal Institutions' ability to fulfil their obligations in delivering services within the framework of the Djibouti Agreement;

3. *Considers* that all non-local commerce via Al-Shabaab controlled ports, that constitutes financial support for a designated entity, poses a threat to the peace, stability, and security of Somalia, and thereby individuals and entities engaged in such commerce may be designated by the Committee and made subject to the targeted measures established by resolution 1844 (2008);

4. *Calls upon* the Transitional Federal Government (TFG) to consider banning all trade by large merchant vessels with Al-Shabaab controlled ports;

5. *Demands* that all parties ensure full, safe and unhindered access for the timely delivery of humanitarian aid to persons in need of assistance across Somalia, underlines its grave concern at the worsening humanitarian situation in Somalia, *urges* all parties and armed groups to take appropriate steps to ensure the safety and security of humanitarian personnel and supplies, and *expresses its readiness* to apply targeted sanctions against such individuals and entities if they meet the listing criteria set out in paragraph 1 (c) above;

6. *Decides* to extend the mandate of the Monitoring Group referred to in paragraph 3 of resolution 1558 (2004), extended by paragraph 6 of resolution 1916, and requests the Secretary-General to take the necessary administrative measures as expeditiously as possible to re-establish the Monitoring Group for a period of 12 months from the date of this resolution, consisting of eight experts, drawing, as appropriate, on the expertise of the members of the Monitoring Group established pursuant to resolution 1916 (2010), and consistent with resolution 1907 (2009), in order to fulfil its expanded mandate, this mandate being as follows:

(a) to assist the Committee in monitoring the implementation of the measures imposed in paragraph 1, 3, and 7 of 1844 (2008), including by reporting any information on violations; to include in its reports to the Committee any

information relevant to the potential designation of the individuals and entities described in paragraph 1 above;

(b) to assist the Committee in compiling narrative summaries, referred to in paragraph 14 of resolution 1844 (2008) of individuals and entities designated pursuant to paragraph 1 above;

(c) to investigate any seaport operations in Somalia that may generate revenue for Al-Shabaab, an entity designated by the Committee for meeting the listing criteria in resolution 1844 (2008);

(d) to continue the tasks outlined in paragraphs 3 (a) to (c) of resolution 1587 (2005), paragraphs 23 (a) to (c) of resolution 1844 (2008), and paragraphs 19 (a) to (d) of resolution 1907 (2009);

(e) to investigate, in coordination with relevant international agencies, all activities, including in the financial, maritime and other sectors, which generate revenues used to commit violations of the Somalia and Eritrea arms embargoes;

(f) to investigate any means of transport, routes, seaports, airports and other facilities used in connection with violations of the Somalia and Eritrea arms embargoes;

(g) to continue refining and updating information on the draft list of those individuals and entities that engage in acts described in paragraph 1 above, inside and outside Somalia, and their active supporters, for possible future measures by the Council, and to present such information to the Committee as and when the Committee deems appropriate;

(h) to compile a draft list of those individuals and entities that engage in acts described in paragraphs 15 (a)-(e) of resolution 1907 (2009) inside and outside Eritrea, and their active supporters, for possible future measures by the Council, and to present such information to the Committee as and when the Committee deems appropriate;

(i) to continue making recommendations based on its investigations, on the previous reports of the Panel of Experts (S/2003/223 and S/2003/1035) appointed pursuant to resolutions 1425 (2002) and 1474 (2003), and on the previous reports of the Monitoring Group (S/2004/604, S/2005/153, S/2005/625, S/2006/229, S/2006/913, S/2007/436, S/2008/274, S/2008/769 and S/2010/91) appointed pursuant to resolutions 1519 (2003), 1558 (2004), 1587 (2005), 1630 (2005), 1676 (2006), 1724 (2006), 1766 (2007), 1811 (2008) 1853 (2008) and 1916 (2010);

(j) to work closely with the Committee on specific recommendations for additional measures to improve overall compliance with the Somalia and Eritrea arms embargoes, as well as the measures imposed in paragraphs 1, 3 and 7 of resolution 1844 (2008), and paragraphs 5, 6, 8, 10, 12 and 13 of resolution 1907 (2009) concerning Eritrea;

(k) to assist in identifying areas where the capacities of States in the region can be strengthened to facilitate the implementation of the Somalia and Eritrea arms embargoes, as well as the measures imposed in paragraphs 1, 3 and 7 of resolution 1844 (2008), and paragraphs 5, 6, 8, 10, 12 and 13 of resolution 1907 (2009) concerning Eritrea;

(l) to provide to the Council, through the Committee, a midterm briefing within six months of its establishment, and to submit progress reports to the Committee on a monthly basis;

(m) to submit, for the Security Council's consideration, through the Committee, two final reports; one focusing on Somalia, the other on Eritrea, covering all the tasks set out above, no later than 15 days prior to the termination of the Monitoring Group's mandate;

7. *Further requests* the Secretary-General to make the necessary financial arrangements to support the work of the Monitoring Group;

8. *Requests* the Committee, in accordance with its mandate and in consultation with the Monitoring Group and other relevant United Nations entities, to consider the recommendations in the reports of the Monitoring Group and recommend to the Council ways to improve implementation of and compliance with the Somalia and Eritrea arms embargoes as well as implementation of the targeted measures imposed by paragraphs 1, 3, and 7 of resolution 1844 (2008) and paragraphs 5, 6, 8, 10, 12, and 13 of resolution 1907 (2009), in response to continuing violations;

9. *Decides* that for a period of twelve months from the date of this resolution, and without prejudice to humanitarian assistance programmes conducted elsewhere, the obligations placed on Member States in paragraph 3 of resolution 1844 (2008) shall not apply to the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia, by the United Nations, its specialised agencies or programmes, humanitarian organisations having observer status with the United Nations General Assembly that provide humanitarian assistance, and their implementing partners, including bilaterally or multilaterally funded NGOs participating in the UN Consolidated Appeal for Somalia;

10. *Urges* all parties and all States, including Eritrea, other States in the region, and the TFG, as well as international, regional and subregional organisations, ensure cooperation with the Monitoring Group, and ensure the safety of the members of the Monitoring Group, and unhindered access, in particular to persons, documents and sites the Monitoring Group deems relevant to the execution of its mandate;

11. *Decides* to remain actively seized of the matter.

**Security Council**

Distr.: General
29 July 2011

Original: English

**United Kingdom of Great Britain and Northern Ireland:
draft resolution**

The Security Council,

Reaffirming all its previous resolutions and presidential statements concerning the situation in Sudan and underlining the importance of full compliance with these,

Reaffirming its strong commitment to the sovereignty, unity, independence and territorial integrity of Sudan and its determination to work with the Government of Sudan, in full respect of its sovereignty, to assist in tackling the various challenges in Sudan,

Recalling also its previous resolutions 1674 (2006) and 1894 (2009) on the protection of civilians in armed conflict, which reaffirm, inter alia, the relevant provisions of the United Nations World Summit outcome document; 1612 (2005) 1882 (2009), and 1998 (2011) on children and armed conflict; 1502 (2003) on the protection of humanitarian and United Nations personnel, and 1325 (2000) and associated resolutions on women, peace and security and children and armed conflict,

Recalling its resolutions reaffirming that there can be no peace without justice, and recalling the importance that the Council attaches to ending impunity and to ensuring justice for crimes committed in Darfur,

Bearing in mind the Convention relating to the Status of Refugees of 28 July 1951 and its additional protocol of 16 December 1966, along with the 1969 Convention of the Organization of African Unity governing the specific aspects of refugee problems in Africa, as well as the African Union Convention of 29 October 2009, on the Protection of and Assistance to of internally displaced persons in Africa,

Recalling the report on Children and Armed Conflict in Sudan dated 10 February 2009 (S/2009/84), including its recommendations, and recalling the conclusions endorsed by the Security Council Working Group on Children and Armed Conflict in Sudan (S/AC.51/2009/5), and recalling the report of the Secretary-General on Children and Armed Conflict in Sudan dated 5 July 2011 (S/2011/413),

Expressing its strong commitment and determination to support the African Union (AU)-UN Darfur peace process hosted by the State of Qatar, and deploring



the fact that some groups continue to refuse to join this process and strongly urging them to do so without further delay or preconditions,

Welcoming the outcome of the 31 May 2011 All Darfur Stakeholders Conference (ADSC), and the signature on 14 July of the Agreement between the Government of Sudan and the Liberation and Justice Movement (LJM) on the adoption of the Doha Document for Peace in Darfur (DDPD) as a important step forward in the peace process, and as a basis for consultations on an impartial DPP held in the necessary enabling environment, and *calling on* the Government of Sudan and all the armed movements to make every effort to reach a comprehensive peace settlement on the basis of the Doha Document for Peace in Darfur, and to agree a permanent ceasefire without delay,

Welcoming the establishment of the Implementation Follow-up Committee (IFC), chaired by the State of Qatar, and Qatar's continued engagement with the AU and the UN to support an internationally facilitated Darfur peace process, including the Government of Sudan and all the armed movements; *encouraging* the AU and the UN actively to pursue their efforts,

Underlining, without prejudice to the Security Council's primary responsibility for the maintenance of international peace and security, the importance of the partnership between the UN and the AU, consistent with Chapter VIII of the UN Charter, with regard to the maintenance of peace and security in Africa, particularly in Sudan, and welcoming, in particular, the efforts of the AU High Level Implementation Panel for Sudan under the leadership of President Mbeki working in cooperation with UNAMID, to address in a comprehensive and inclusive manner the challenges of peace, justice and reconciliation in Darfur,

Welcoming the report of the Secretary-General of 08 July (S/2011/422) on UNAMID,

Stressing the need for the Council to pursue a rigorous, strategic approach to peacekeeping deployments, with a view to enhancing the effectiveness of peacekeeping missions; *welcoming* and further *encouraging* the increasingly full implementation by UNAMID of its Chapter VII mandate, and *underlining*, in this regard, the importance of addressing the requirement for UNAMID to be able to deter threats to the implementation of its mandate, and the safety and security of its peacekeeping personnel in accordance with the Charter of the United Nations,

Expressing deep concern at the deteriorating security situation in some parts of Darfur, including ceasefire violations, attacks by rebel groups, aerial bombardment by the Government of Sudan, inter-tribal fighting, attacks on humanitarian personnel and peacekeepers, which have restricted humanitarian access to conflict areas where vulnerable civilian populations reside, as contained in the report in the Secretary-General, and the displacement of tens of thousands of civilians, and *calling on* all parties to cease hostilities, including all acts of violence committed against civilians, and urgently facilitate unhindered humanitarian access,

Expressing its concern at the return to hostilities between the Government of Sudan and the Sudan Liberation Army, Minni Minawi faction (SLA/MM), and the ongoing hostilities between the Government of Sudan and the Sudan Liberation Army, Abdul Wahid faction (SLA/AW), and the Justice and Equality Movement (JEM), and *reiterating* that there can be no military solution to the conflict in

Darfur, and that an inclusive political settlement is essential to re-establishing peace,

Reiterating its condemnation of all violations of international human rights and humanitarian law in Darfur and in relation to Darfur, *calling* on all parties to comply with their obligations under international human rights and humanitarian law, *emphasizing* the need to bring to justice the perpetrators of such crimes, and *urging* the Government of Sudan to comply with its obligations in this respect,

Reaffirming its concern over the negative effect of the ongoing violence in Darfur on the stability of Sudan as a whole as well as the region, *welcoming* improved relations between Sudan and Chad, as well as the deployment of a joint force, including forces from the Central African Republic (CAR) under a joint command along the border, and *encouraging* Sudan, Chad and CAR to continue to co-operate in order to achieve peace and stability in Darfur and the wider region,

Expressing concern about alleged links between armed movements in Darfur and groups outside Darfur,

Determining that the situation in Sudan constitutes a threat to international peace and security,

1. *Decides* to extend the mandate of UNAMID as set out in resolution 1769 (2007) for a further 12 months to 31 July 2012;
2. *Welcomes* the Secretary-General's intention to review, in consultation with the African Union, the uniformed personnel required for UNAMID to ensure the most efficient and effective implementation of the mission's mandate, and *requests* the Secretary-General to report on this issue within the framework set out in paragraph 13 and no later than 180 days from the adoption of this resolution;
3. *Underlines* the need for UNAMID to make full use of its mandate and capabilities, giving priority in decisions about the use of available capacity and resources to (a) the protection of civilians across Darfur, including through proactive deployment and patrols in areas at high risk of conflict, securing IDP camps and adjacent areas, and implementation of a mission-wide early warning strategy and capacity and (b) ensuring safe, timely and unhindered humanitarian access, and the safety and security of humanitarian personnel and humanitarian activities, so as to facilitate the unimpeded delivery of humanitarian assistance throughout Darfur; and *requests* UNAMID to maximise the use of its capabilities, in cooperation with the UN Country Team and other international and non governmental actors, in the implementation of its mission-wide comprehensive strategy for the achievement of these objectives;
4. *Reaffirms* the importance of promoting the AU-UN led peace and political process for Darfur, and *welcomes* the priority given to UNAMID's continuing efforts to support and complement this work in accordance with paragraphs 6, 7 and 8 below, and *welcomes* the efforts of the AU High Level Panel for Sudan in this regard;
5. *Emphasizes* UNAMID's Chapter VII mandate, as defined in resolution 1769, to deliver its core tasks to protect civilians without prejudice to the primary responsibility of the Government of Sudan and to ensure the freedom of movement and security of UNAMID's own personnel and humanitarian workers;

6. *Demands* that all parties to the conflict, including all armed movements engage immediately and without preconditions to make every effort to reach a permanent ceasefire and a comprehensive peace settlement on the basis of the Doha Document for Peace in Darfur (DDPD), in order to bring a stable and durable peace to the region;

7. *Recognizes*, in this context, the potential complementary role of a Darfur-based Political Process (DPP) led by the AU and the UN; *calls on* the Government of Sudan and the armed movements to contribute to the creation of the necessary enabling environment for a DPP that allows the systematic and sustained engagement of all Darfurian stakeholders in constructive and open dialogue; *notes* that, despite some positive developments in the peace process, important elements of the necessary enabling environment for a DPP, including but not limited to respect for the civil and political rights of participants, such that they can exercise their views without fear of retribution, freedom of speech and assembly to permit open consultations, freedom of movement of participants and UNAMID, proportional participation among Darfurians, freedom from harassment, arbitrary arrest, and intimidation, and freedom from interference by the Government or the armed movements, are not yet in place;

8. *Requests* the Secretary-General to include in his regular reports referred to in paragraph 13 below, assessments of the elements set out in paragraph 7 above to enable the Council, taking into account the views of the AU, to determine UNAMID's further engagement in support of the DPP;

9. *Welcomes* the Secretary-General's intention to develop a roadmap for the Darfur peace process, and requests the Secretary-General, in this regard, to work in close consultation with the AU, also consulting, as appropriate, all Sudanese stakeholders and the Implementation Follow-up Committee (IFC), and taking into account paragraphs 6, 7 and 8 above, and requests the Secretary-General to report to the Council on the roadmap in his next 90-day report;

10. *Commends* the contribution of troop and police contributing countries and donors to UNAMID; *strongly condemns* all attacks on UNAMID; *underlines* that any attack or threat of attack on UNAMID is unacceptable; *demands* that there be no recurrence of such attacks, *stresses* the need to enhance the safety and security of UNAMID personnel, as well as the need to bring an end to impunity for those who attack peacekeepers, and in this regard *urges* the Government of Sudan to do its utmost to bring the perpetrators of any such crimes to justice;

11. *Commends* the credible work of the Tripartite Mechanism but *expresses deep concern* at continuing restrictions placed upon UNAMID movement and operations, particularly to areas of recent conflict; *calls on* all parties in Darfur to remove all obstacles to UNAMID's full and proper discharge of its mandate, including by ensuring its security and freedom of movement; and in this regard, *demands* that the Government of Sudan comply with the Status of Forces Agreement fully and without delay, particularly regarding flight and equipment clearances, the removal of all obstacles to the use of UNAMID aerial assets, and the timely provision of visas for UNAMID personnel; *deplores* the continued delays in the provision of such visas, which threaten seriously to undermine the ability of the mission to implement its mandate and *urges* the Government of Sudan to deliver on its welcome commitment to clear the backlog of visa applications; and *expresses* deep concern that UNAMID national staff members were detained by the

Government of Sudan in violation of the Status of Forces Agreement, and *demands* that the Government of Sudan respect the rights of UNAMID personnel under the SOFA;

12. *Demands* that UNAMID be given a licence for its own radio transmitter in line with the provisions of the Status of Forces Agreement, so that it can communicate freely with all Darfuri stakeholders;

13. *Requests* the Secretary-General to continue reporting to the Council every 90 days on progress made towards implementing UNAMID's mandate across Darfur, including on progress towards and obstacles to the implementation of the strategy referred to in paragraph 3 above, also including an assessment of progress against the benchmarks and indicators set out in Annex II of the report of the Secretary-General of 16 November 2009 as well, the security and humanitarian situation, including in the IDP sites and refugee camps, human rights, violations of international humanitarian and human rights law, and early recovery and all parties compliance with their international obligations;

14. *Demands* that all parties to the conflict in Darfur immediately end violence, attacks on civilians, peacekeepers and humanitarian personnel, and comply with their obligations under international human rights and humanitarian law; *affirms*, in this context, the Council's condemnation of serious violations of international humanitarian law and human rights law; *calls* for an immediate cessation of hostilities and for all parties to commit themselves to a sustained and permanent ceasefire; *requests* the Secretary-General to consult with relevant parties with a view to developing a more effective ceasefire monitoring mechanism; and *underlines* the need for UNAMID to report on major instances of violence which undermines the parties' full and constructive efforts towards peace;

15. *Expresses* its serious concern at the deterioration of the humanitarian situation in some parts of Darfur, the continued threats to humanitarian organisations, and the restricted humanitarian access in Darfur resulting from increased insecurity, attacks against humanitarian workers, denial of access by the parties to the conflict, *calls* for the full implementation of the Communiqué between the Government of Sudan and the United Nations on Facilitation of Humanitarian Activities in Darfur, including regarding the timely issuance of visas and travel permits for humanitarian organisations; and *demands* that the Government of Sudan, all militias, armed groups and all other stakeholders ensure the full, safe and unhindered access of humanitarian organizations and relief personnel and the delivery of humanitarian assistance to populations in need and underscores the importance of upholding the principles of neutrality, impartiality and independence in the provision of humanitarian assistance;

16. *Condemns* human rights violations in, and relating to, Darfur, including arbitrary arrests and detentions, *expresses* deep concern about the situation of all those so detained, including civil society members and IDPs, and *emphasizes* the importance of ensuring UNAMID, within its current mandate, and other relevant organisations' ability to monitor such cases; *calls on* the Government of Sudan fully to respect its obligations, including by fulfilling its commitment to lift the state of emergency in Darfur, releasing all political prisoners, allowing free expression and undertaking effective efforts to ensure accountability for serious violations of international human rights and humanitarian law, by whomsoever perpetrated, and *emphasizes* the importance of UNAMID acting to promote human rights, bring

abuses to the attention of the authorities, and to report gross violations to the Security Council;

17. *Notes* that conflict in one area of Sudan affects other areas of Sudan and the wider region; and *urges* close co-ordination among UN missions in the region, including UNAMID, the United Nations Interim Security Force for Abyei (UNISFA) and the United Nations Mission in South Sudan (UNMISS), and *requests* the Secretary-General to ensure effective inter-mission cooperation;

18. *Stresses* the importance of achieving dignified and durable solutions for refugees and internally displaced persons, and of ensuring their full participation in the planning and management of these solutions, *demands* that all parties to the conflict in Darfur create the conditions conducive to allowing the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons or their local integration; *notes* potentially encouraging reports of some voluntary returns of IDPs to their villages and places of origin, as indicated in the report of the Secretary-General, *stresses* the importance of the Joint Verification Mechanism in verifying the voluntariness of returns and *expresses* deep concern over some bureaucratic obstacles that undermine its effectiveness and independence;

19. *Notes* that security and freedom of movement will greatly facilitate early recovery initiatives and a return to normalcy in Darfur; *stresses* the importance of early recovery efforts in Darfur when such interventions are suitable, and in this respect *encourages* UNAMID, within its current mandate, to facilitate the work of the UN Country Team and expert agencies on early recovery and reconstruction in Darfur, inter alia through the provision of area security; *calls on* all parties to provide unhindered access and on the Government of Sudan to lift all access restrictions, work to resolve the root causes of the Darfur crisis and to increase investment in early recovery activity;

20. *Commends* the outcome of the Darfur International Conference on water held in Khartoum on 27 and 28 June 2011 as a step towards sustainable peace, and *calls on* UNAMID, where consistent with its mandate, and all other UN agencies in particular UNICEF, UNDP, UNEP, as well as international actors and donors to meet their commitments made in that conference;

21. *Expresses deep concern* over the persistent localized conflicts and violence and their effect on civilians, but, in this context, *notes* a reduction in inter tribal clashes and *calls on* all parties to put an end to such clashes and to pursue reconciliation; *expresses deep concern* over the proliferation of arms, in particular small arms and light weapons, and, in this regard, *requests* UNAMID to continue to support local conflict resolution mechanisms, to monitor whether any arms or related material are present in Darfur in accordance with its mandate as set out in paragraph 9 of resolution 1769, and in this context, to continue to cooperate with the Panel of Experts established by resolution 1591 (2005) in order to facilitate their work;

22. *Demands* that the parties to the conflict immediately take appropriate measures to protect civilians, including women and children, from all forms of sexual violence, in line with resolution 1820 (2008); and *requests* UNAMID to report on sexual and gender based violence, as well as to assess progress towards the elimination of sexual and gender-based violence, and further *emphasizes* the need to include protection to women and children from sexual violence and gender

based violence, as part of the mission-wide Protection of Civilians strategy identified in paragraph 3 above, and *requests* the Secretary-General to ensure that the relevant provisions of resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009) and 1960 (2010) are implemented by UNAMID, including the participation of women through the appointment of women protection advisors, and to include information on this in his reporting to the Council;

23. *Requests* the Secretary-General to ensure (a) continued monitoring and reporting, as part of the reports referred to in paragraph 13 above, of the situation of children and (b) continued dialogue with the parties to the conflict towards the preparation of time bound action plans to end the recruitment and use of child soldiers and other violations of international humanitarian law and human rights law against children;

24. *Requests* the Secretary-General periodically to review and update the concept of operations and rules of engagement of UNAMID in line with the mission's mandate under relevant Security Council resolutions and to report, as part of the reports referred to in paragraph 13 above, on this to the Security Council and troop-contributing countries;

25. *Decides* to remain seized of the matter.



**General Assembly
Security Council**

Distr.: General

29 July 2011

Original: English

General Assembly

Sixty-sixth session

Item 73 of the provisional agenda*

**Report of the International Criminal Tribunal for the
Prosecution of Persons Responsible for Genocide and
Other Serious Violations of International Humanitarian
Law Committed in the Territory of Rwanda and Rwandan
Citizens Responsible for Genocide and Other Such
Violations Committed in the Territory of Neighbouring
States between 1 January and 31 December 1994**

Security Council

Sixty-sixth year

Report of the International Criminal Tribunal for Rwanda

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and to the members of the Security Council the sixteenth annual report of the International Criminal Tribunal for Rwanda, submitted by the President of the International Criminal Tribunal for Rwanda in accordance with article 32 of its statute (see Security Council resolution 955 (1994), annex), which states:

The President of the International Criminal Tribunal for Rwanda shall submit an annual report of the International Criminal Tribunal for Rwanda to the Security Council and to the General Assembly.

* A/66/150.

Letter of transmittal

28 July 2011

Excellencies,

I have the honour to submit the sixteenth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, dated 28 July 2011, to the General Assembly and the Security Council, pursuant to article 32 of the statute of the International Tribunal.

Please accept, Excellencies, the assurances of my highest consideration.

(Signed) Khalida Rachid **Khan**
President

President of the General Assembly
United Nations
New York

President of the Security Council
United Nations
New York

Sixteenth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Summary

The present annual report outlines the activities of the International Criminal Tribunal for Rwanda for the period from 1 July 2010 to 30 June 2011.

During the past year, the Tribunal continued its efforts to complete its remaining workload at the trial and appeals levels expeditiously. Despite major difficulties, in particular regarding staff retention and recruitment, the Tribunal made significant progress, delivering six trial judgements during the reporting period. Six trial judgements involving 10 accused remain to be delivered. Completion of the first instance work is expected by the first quarter of 2012.

The Appeals Chamber rendered four judgements in single-accused cases, bringing the total number of persons whose judgements have been completed at the appellate level to 35. Completion of the appeals work is expected by the first quarter of 2014.

The Office of the Prosecutor succeeded in arresting one fugitive during the reporting period through close cooperation with Member States in the region, bringing the number of fugitives down to nine. The Prosecutor also focused on providing support to national authorities in the prosecution of crimes relating to the 1994 Rwandan genocide. Continuous support was also extended to the Rwandan authorities to assist them in meeting the conditions for the transfer of cases from the Tribunal.

The Registry maintained a high level of administrative and judicial support to the Tribunal. It ensured the cooperation and assistance of Member States with the Tribunal and further strengthened its outreach and capacity-building activities in Rwanda. Trial proceedings continued to receive support from the various units and sections of the Judicial and Legal Services Division. The Division of Administrative Support Services continued its work to ensure the efficient management of the Tribunal's downsizing process.

All organs of the Tribunal are undertaking their best efforts to complete the work of the Tribunal expeditiously and to prepare for a smooth transition to the Residual Mechanism. Those efforts require essential cooperation and support from Member States: nine fugitives remain to be arrested, the three acquitted persons need countries for relocation and the Tribunal needs to be provided with sufficient resources to be in a position to complete its tasks in the expected time frame. The Tribunal relies on the ongoing support of Member States to achieve its goals.

Contents

	<i>Page</i>
I. Introduction	5
II. Activities of the Tribunal	5
A. Activities of the President	5
B. Activities of coordination mechanisms	6
C. Activities of the Chambers	7
D. Activities of the Office of the Prosecutor	12
E. Activities of the Registry	13
III. Conclusion and recommendations	20

I. Introduction

1. The sixteenth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994 ("the Tribunal") outlines the activities of the Tribunal for the period from 1 July 2010 to 30 June 2011.

2. The Tribunal, through the Office of the President, the Chambers, the Office of the Prosecutor and the Office of the Registrar, has continued its efforts to meet the goals of its Completion Strategy, as endorsed by the Security Council in resolution 1503 (2003), with intense trial and appeals activity and judgement drafting.

II. Activities of the Tribunal

3. The Tribunal consists of two Trial Chambers, one Appeals Chamber, the Office of the Prosecutor and a Registry. On 27 May 2011, Judge Khalida Rachid Khan (Pakistan) was elected President, and Judge Dennis Byron (Saint Kitts and Nevis) was elected Vice-President.

A. Activities of the President

1. Judicial activity

4. During the reporting period, the President made decisions on the transfer of five convicted persons to Member States for the enforcement of their sentences. It is expected that those transfers will be completed shortly. The President also issued orders on a variety of other matters, including State cooperation and conditions of detention.

2. Completion Strategy

5. In close cooperation with the Prosecutor and the Registrar, the President has continued to implement the Tribunal's Completion Strategy. On 6 December 2010 and 6 June 2011, the President presented the six-monthly Completion Strategy reports to the Security Council. In the course of the reporting period, the Tribunal issued six judgements at the trial level and four judgements at the appeals level, representing a total of 18 accused. Judgement remains to be delivered in six cases at the trial level. The evidence phase has been completed in all but two trials and judgements are expected this year in all but two cases. In those two cases, judgement is expected by the first quarter of 2012.

6. Staff attrition remains one of the major impediments to the timely achievement of Completion Strategy goals. Between 1 July 2010 and 30 June 2011, a total of 152 staff members left the Tribunal for more stable jobs within the United Nations or other organizations: 18 staff members left the Chambers, 14 from the Office of the Prosecutor, and the remainder from the Administration and other sections of the Registry. The replacement of departing staff members is a lengthy process, which even in a best-case scenario would result in delays and cannot compensate for the

continuous loss of institutional memory. Moreover, many staff are on temporary contracts that will need to be exceptionally extended beyond the 729-day limit. The Security Council, in resolution 1955 (2010), reiterated its call upon the Secretariat and other relevant United Nations bodies to continue to work with the Registrar of the Tribunal in order to find practicable solutions to address the staffing situation.

7. The Security Council, in resolution 1966 (2010) establishing the International Residual Mechanism for Criminal Tribunals ("the Mechanism"), requested the Secretary-General to make the practical arrangements necessary for the commencement of the Mechanism's operations. Under the direction of the Office of Legal Affairs, the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda have been working jointly since February 2011 to implement that mandate. The initial priority was to develop a budget proposal for the biennium 2012-2013 and a draft Rules of Procedure and Evidence. Both were successfully submitted to the Office of Legal Affairs by July 2011. The next steps will focus on harmonizing the policies, procedures and operations of the two Tribunals in order to ensure that the Mechanism is able to commence its work from 1 July 2012.

3. Diplomatic relations and other representation

8. The President maintained regular contact with United Nations Headquarters and the diplomatic community in the host country, at the seat of the United Nations and in other countries. The United Nations Secretariat, and in particular the Office of Legal Affairs, provided important legal advice and diplomatic support to ensure smooth cooperation between the Tribunal, the Security Council and the General Assembly.

9. On the occasion of their briefings of the Security Council, both the President and the Prosecutor of the Tribunal participated in meetings of the Informal Working Group on International Tribunals of the Security Council. That allowed for comprehensive and open discussions with the legal advisers of the members of the Security Council.

B. Activities of coordination mechanisms

1. Coordination Council

10. The Coordination Council, consisting of the President, the Prosecutor and the Registrar, met regularly to discuss issues affecting the entire Tribunal, such as the Completion Strategy, the Residual Mechanism, staffing and budgetary matters.

2. Bureau

11. The Bureau, composed of the President, the Vice-President and the Presiding Judges of the two Trial Chambers, was consulted by the President in regular meetings and through written exchanges on issues relating to the functioning of the Tribunal.

3. Plenary sessions

12. During the reporting period, the Tribunal's Judges met in a plenary session on 1 April 2011 to discuss a variety of issues. The plenary adopted an amendment to rule 11 bis of the Rules of Procedure and Evidence, allowing for a Chamber to *proprio motu* monitor and revoke a case referred to a national jurisdiction.

4. Rules Committee

13. The Rules Committee submits or discusses proposals for amendments to the Rules of Procedure and Evidence. It is composed of Judges Joensen (Chair), Tuzmukhamedov and Park, and assisted by Legal Officers from the Chambers. For matters relevant to the general conduct of trials, the Committee sits in an extended format, supported by representatives of the Office of the Prosecutor and Defence Counsel. The Committee met regularly to discuss the amendment to rule 11 bis and worked, in close cooperation with the International Tribunal for the Former Yugoslavia, on providing comments to the draft Rules of Procedure and Evidence of the Residual Mechanism to the Office of Legal Affairs.

C. Activities of the Chambers

1. Composition of the Chambers

14. The Chambers comprise two Trial Chambers and one Appeals Chamber and are currently composed of 12 permanent judges and 10 ad litem judges.

15. Five of the permanent judges and all the ad litem judges sit in the two Trial Chambers. One permanent judge, Judge Asoka de Silva (Sri Lanka), and two ad litem judges, Judges Joseph Masanche (United Republic of Tanzania) and Taghrid Hikmet (Jordan), left the Tribunal after the completion of their final cases. Judge Robert Fremr (Czech Republic), an ad litem judge, returned to the Tribunal in September 2010.

16. Seven permanent judges sit on the Appeals Chamber. Two of them, Judges Mehmet Güney (Turkey) and Andrésia Vaz (Senegal), are from the International Criminal Tribunal for Rwanda, and the five other judges are from the International Criminal Tribunal for the Former Yugoslavia.

17. The Trial Chambers are currently composed of Judges Khalida Rachid Khan (Pakistan), Dennis Byron (Saint Kitts and Nevis), William H. Sekule (United Republic of Tanzania), Arlette Ramaroson (Madagascar) and Bakhtiyar Tuzmukhamedov (Russian Federation) as permanent judges, and Solomy Balungi Bossa (Uganda), Lee Gacuiga Muthoga (Kenya), Florence Rita Arrey (Cameroon), Emile Francis Short (Ghana), Seon Ki Park (Republic of Korea), Gberdao Gustave Kam (Burkina Faso), Vagn Joensen (Denmark), Mparany Rajohnson (Madagascar), Aydin Sefa Akay (Turkey) and Robert Fremr (Czech Republic) as ad litem judges.

18. The Appeals Chamber is composed of Judges Patrick Robinson (Jamaica) as Presiding Judge, Mehmet Güney (Turkey), Fausto Pocar (Italy), Liu Daqun (China), Andrésia Vaz (Senegal), Theodor Meron (United States of America) and Carmel Agius (Malta).

19. The Tribunal takes note of General Assembly resolution 65/258 (2011) reviewing the conditions of service and compensation for the ad litem judges serving at the ad hoc Tribunals and granting a one-time ex gratia payment to those who have been in full-time uninterrupted service for longer than three years, and thanks the General Assembly for its efforts in this endeavour.

2. Principal activities of the Trial Chambers and the Appeals Chamber

(a) Trial Chamber I

20. The work before this Trial Chamber is complete.

(b) Trial Chamber II

21. During the reporting period, Trial Chamber II delivered judgement in four cases, and continued judgement drafting in two cases involving five accused. One single-accused trial is ongoing.

Judgement in *Nyiramasuhuko et al.* ("Butare")

22. On 24 June 2011, the Chamber, composed of Judges Sekule, presiding, Ramaroson and Bossa, delivered judgement in the *Butare* case. The trial involved six accused: Pauline Nyiramasuhuko (former Minister of Family and Women's Development); Arsène Shalom Ntahobali (alleged leader of an Interahamwe group in Butare in April 1994); Sylvain Nsabimana (*préfet* of Butare from 19 April to 17 June 1994); Alphonse Nteziryayo (*préfet* of Butare from 17 June to July 1994); Joseph Kanyabashi (former *bourgmestre* of Ngoma *commune* in Butare *préfecture*); and Elie Ndayambaje (former *bourgmestre* of Muganza *commune* in Butare *préfecture*). The Chamber convicted the six accused of various crimes including genocide and crimes against humanity, sentencing Nyiramasuhuko, Ntahobali and Ndayambaje to life imprisonment, Nsabimana to 25 years' imprisonment, Kanyabashi to 35 years' imprisonment, and Nteziryayo to 30 years' imprisonment. During the trial, the Chamber heard 189 witnesses over the course of 714 trial days.

Judgement in *Ndindiliyimana et al.* ("Military II")

23. On 17 May 2011, a Chamber, composed of Judges de Silva, presiding, Hikmet and Park, delivered Judgement in the Military II trial. The case involved four accused, François-Xavier Nzuwonemeye (former Commander of the Reconnaissance Battalion of the Rwandan Army); Augustin Bizimungu (former Chief of Staff of the Rwandan Army); Augustin Ndindiliyimana (former Chief of Staff of the *Gendarmerie nationale*); and Innocent Sagahutu (former Commander of Squadron A, Reconnaissance Battalion of the Rwandan Army). Ndindiliyimana was sentenced to time already served and was ordered to be released immediately. Bizimungu was sentenced to 30 years' imprisonment, while Nzuwonemeye and Sagahutu were each sentenced to 20 years' imprisonment. The Chamber heard 217 witnesses over the course of 393 trial days. The Chamber heard the parties' closing arguments on 24, 25 and 26 June 2009.

Judgement in *Hategekimana*

24. On 6 December 2010, a Chamber, composed of Judges Ramaroson, presiding, Hikmet and Masanche, delivered Judgement in the case of *The Prosecutor v. Ildephonse Hategekimana*, former commander of Ngoma Military Camp. Hategekimana was convicted of genocide as well as murder and rape as crimes against humanity and was sentenced to life imprisonment. The accused was found not guilty of complicity in genocide. Over the course of 43 trial days, the Chamber heard 40 witnesses. Closing arguments were heard on 26 April 2010.

Judgement in *Kanyarukiga*

25. On 1 November 2010, a Chamber, composed of Judges Hikmet, presiding, Park and Masanche, delivered Judgement in the case of *The Prosecutor v. Gaspard Kanyarukiga*, a businessman. Kanyarukiga was convicted of genocide and extermination as a crime against humanity and was sentenced to 30 years' imprisonment. The accused was acquitted of complicity in genocide. Over the course of 28 trial days, the Chamber heard 34 witnesses. Closing arguments were heard on 24 May 2010.

One multi-accused in judgement drafting: *Bizimungu et al.* ("Government II")

26. The Government II case before Judges Khan, presiding, Muthoga and Short concerns four former Rwandan ministers of the Interim Government of 9 April 1994 — Casimir Bizimungu, Justin Mugenzi, Prosper Mugiraneza and Jérôme-Clément Bicamumpaka. The trial spanned 404 trial days, during which 171 witnesses testified and over 8,000 pages of exhibits were entered into evidence. During the reporting period, the Chamber has been involved in deliberations and judgement drafting and has issued 6 decisions and orders. Judgement delivery is anticipated for the second half of 2011.

Ongoing Trial *Ngirabatware*

27. The case of Augustin Ngirabatware (former Minister of Planning) is being heard by a Chamber composed of Judges Sekule, presiding, Bossa and Rajohnson. The defence case is expected to be completed by the end of 2011. Judgement delivery is anticipated for the first quarter of 2012. During the reporting period, the Chamber heard 23 witnesses and rendered 43 decisions.

(c) Trial Chamber III

28. During the reporting period, Trial Chamber III rendered two judgements, completed trial proceedings in one multi-accused trial, commenced proceedings in two further cases, prepared for trial in two cases and began conducting preservation of evidence hearings.

Judgement in *Ntawukulilyayo*

29. On 3 August 2010, Judges Khan, presiding, Muthoga and Akay delivered Judgement in the case of the former *sous-préfet* of Gisagara, Dominique Ntawukulilyayo. The Chamber convicted the accused of genocide and sentenced him to 25 years' imprisonment, and acquitted him of direct and public incitement to commit genocide. The Trial Chamber heard 35 witnesses over the course of 33 trial days. Closing arguments were heard on 14 June 2010. During the course of the proceedings, the Chamber rendered 38 decisions.

Judgement in *Gatete*

30. On 29 March 2011, a Chamber composed of Judges Khan, presiding, Muthoga and Akay delivered Judgement in *The Prosecutor v. Jean-Baptiste Gatete*, a director in the Rwandan Ministry of Women and Family Affairs in 1994, and previously a *bourgmestre* of Murambi commune. The Chamber sentenced Gatete to life imprisonment for genocide and extermination as a crime against humanity. Closing

Arguments were heard on 8 November 2010. During the course of the trial, 49 witnesses were heard over 30 trial days.

One case awaiting closing arguments: *Karemera et al.*

31. In the *Karemera et al.* case, the Chamber, composed of Judges Byron, presiding, Kam and Joensen, continued hearing evidence involving Édouard Karemera, former Minister of the Interior, and Matthieu Ndirumpatse, former President of the Mouvement républicain national pour la démocratie et le développement (MRND). The Chamber heard the presentation of Matthieu Ndirumpatse's case from 23 August 2010 to 18 February 2011. During this reporting period, the Chamber sat for 57 trial days, heard 39 witnesses and issued 95 decisions. Closing arguments are scheduled to be heard from 22 August 2011. The Judgement is expected to be delivered in December 2011.

Three ongoing trials: *Nzabonimana, Ndahimana and Nizeyimana*

32. The Chamber composed of Judges Bossa, presiding, Tuzmukhamedov and Rajohnson continued hearing evidence in the case against Callixte Nzabonimana, the former Minister of Youth. During the reporting period, the Trial Chamber heard 19 witnesses and issued 41 written decisions. Judgement delivery is expected in December 2011.

33. Another Chamber, composed of Judges Arrey, presiding, Tuzmukhamedov and Akay, began hearing evidence in the case against Grégoire Ndahimana, a former *bourgmestre*, on 6 September 2010. During the reporting period, the Trial Chamber heard 45 witnesses and issued 14 written decisions. Judgement delivery is expected by November 2011.

34. The Chamber composed of Judges Muthoga, presiding, Park and Fremr began hearing evidence in the case against Ildéphonse Nizeyimana, former second-in-command in charge of intelligence and military operations at the École des sous-officiers during 1994. The Prosecution case commenced on 17 January and closed on 25 February 2011. The Defence case commenced on 9 May 2011 and closed on 13 June 2011. The Prosecution will present its rebuttal case on or about 7-8 September 2011. During the reporting period, the Chamber heard the evidence of 76 witnesses and rendered 74 decisions. Judgement delivery is anticipated in the first quarter of 2012.

Pre-trial matters

35. During the reporting period, the Pre-Trial Chamber, composed of Judges Byron, presiding, Kam and Joensen, began its work in the case against Jean Uwinkindi, and rendered five decisions.

36. Bernard Munyagishari was arrested in the Democratic Republic of the Congo on 25 May 2011 and transferred to Arusha on 14 June 2011. Munyagishari made his initial appearance before Judge Byron on 20 June 2011, where he pleaded not guilty to the five counts against him.

Referral applications and preservation of evidence hearings

37. A Chamber, composed of Judges Arrey, presiding, Short and Fremr, rendered its decision on 29 June 2011, referring the case against Jean Uwinkindi to the courts

of Rwanda. Another Chamber, composed of Judges Joensen (presiding), Kam and Rajohnson, deferred hearing the referral applications of fugitives Charles Sikubwabo and Fulgence Kayishema until the accused are arrested or until a final decision is rendered in the *Uwinkindi* case.

38. Preservation of evidence hearings pursuant to rule 71 bis began in the case of *The Prosecutor v. Félicien Kabuga* and are being heard by Judge Joensen. Hearings for two other high-level fugitives are planned to commence before the end of 2011.

(d) Appeals Chamber

39. During the reporting period, the Appeals Chamber was seized of appeals from 12 judgements concerning 17 persons, 10 interlocutory appeals, and 10 motions for review or reconsideration. The Appeals Chamber rendered 4 judgements, 9 interlocutory appeal decisions, 7 decisions related to review or reconsideration, and 131 pre-appeal orders and decisions.

Appeal Judgements: *Rukundo, Kalimanzira, Renzaho and Muvunyi*

40. Trial Chamber II convicted Emmanuel Rukundo, a military chaplain, of genocide and of murder and extermination as crimes against humanity on 27 February 2009 and sentenced him to 25 years' imprisonment. The Appeals Chamber heard the parties' appeals on 15 June 2010. In its Judgement of 20 October 2010, the Appeals Chamber affirmed Rukundo's convictions for genocide and for murder and extermination as crimes against humanity but did so on the basis of his responsibility for aiding and abetting those crimes rather than committing them, as the Trial Chamber had found. In addition, the Appeals Chamber reversed Rukundo's conviction for genocide in relation to causing serious mental harm. The Appeals Chamber reduced Rukundo's sentence to 23 years' imprisonment.

41. Callixte Kalimanzira, a former senior official of the Ministry of Interior, was convicted on 22 June 2009 by Trial Chamber III of genocide and direct and public incitement to commit genocide. The Appeals Chamber heard the parties' appeals on 14 June 2010 and, on 20 October 2010, it affirmed Kalimanzira's conviction for aiding and abetting genocide. However, the Appeals Chamber reversed Kalimanzira's remaining convictions and, accordingly, reduced his sentence from 30 to 25 years' imprisonment.

42. On 14 July 2009, Trial Chamber I convicted Tharcisse Renzaho, the former Prefect of Kigali-ville *préfecture*, of genocide, and murder and rape as crimes against humanity and serious violations of article 3 common to the Geneva Conventions and of Additional Protocol II thereto. The Trial Chamber sentenced Renzaho to imprisonment for the remainder of his life. The Appeals Chamber heard Renzaho's appeal on 16 June 2010. On 1 April 2011, the Appeals Chamber reversed some of Renzaho's convictions while affirming convictions for genocide and murder as a crime against humanity and a serious violation of article 3 common to the Geneva Conventions and of Additional Protocol II thereto. The Appeals Chamber also affirmed Renzaho's sentence.

43. Following a retrial, on 11 February 2010, Trial Chamber III convicted Tharcisse Muvunyi, a former Lieutenant Colonel in the Rwandan Army, of direct and public incitement to commit genocide and sentenced him to 15 years'

imprisonment. The Appeals Chamber heard the parties' appeals on 21 October 2010 and, in its Judgement of 1 April 2011, affirmed the conviction and the sentence.

Further appeals from Judgement

44. Théoneste Bagosora, Aloys Ntabakuze and Anatole Nsengiyumva appealed against their Trial Judgement. The Appeals Chamber heard Bagosora's and Nsengiyumva's appeals from 30 March through 1 April 2011. Owing to unavailability of Ntabakuze's counsel for the scheduled hearing of his appeal, the Appeals Chamber severed his case and decided to hear his appeal later. Deliberations are now in progress in the *Bagosora and Nsengiyumva* case. The Appeals Chamber is also deliberating on the parties' appeals in the *Setako* and *Munyakazi* cases, which it heard in March 2011. The Appeals Chamber is also seized of appeals in the *Ntawukulilyayo*, *Kanyarukiga*, *Hategekimana* and *Gatete* cases, which are being prepared for hearings, and of the *Ndindiliyimana et al.* case, in which the briefing of the appeals has not yet begun.

D. Activities of the Office of the Prosecutor

45. The Office of the Prosecutor has continued to focus its efforts on the completion of the ongoing trials, the commencement of one new trial and the preparation of another from the two recently arrested fugitives, the transfer of cases of fugitives to national jurisdictions under rule 11 bis and the implementation of rule 71 bis evidence preservation proceedings in respect of three top-level fugitives: Félicien Kabuga, Protais Mpiranya and Augustin Bizimana. Furthermore, the Office continues with the intensification of tracking efforts to arrest the remaining fugitives, the conduct of final as well as interlocutory appeals, the management of archives and records to be transferred to the Residual Mechanism and the provision of assistance to national prosecuting authorities in respect of cases being investigated or prosecuted by them.

46. Rigorous tracking efforts led to the arrest of the fugitive Bernard Munyagishari on 25 May 2011 by the Democratic Republic of the Congo in cooperation with officers from the tracking team of the International Criminal Tribunal for Rwanda. Efforts continue for the arrest of the remaining nine fugitives, and especially of the three top-level fugitives earmarked for trial at the Tribunal. The Prosecutor is confident that the continued cooperation of the Democratic Republic of the Congo will facilitate the arrest of those fugitives, the majority of whom are believed to be in that territory.

47. In conjunction with his efforts to strengthen international cooperation between Member States in the region and the International Criminal Tribunal for Rwanda, the Prosecutor held constructive consultations with the Executive Secretary of the International Conference on the Great Lakes Region. However, while the work of the joint International Criminal Tribunal for Rwanda-Kenya Police Task Force has been reactivated since November 2010, progress on the Félicien Kabuga file remains slow. The Prosecutor continues to urge the Government of Kenya to expedite work on the tracking and arrest of this top-level fugitive. A concerted effort by States members of the Great Lakes Region in collaboration with the Tribunal promises to bring to account the remaining fugitives.

48. In the framework of implementing the referral strategy of the International Criminal Tribunal for Rwanda, the Prosecutor visited a number of European States in April 2011 and held discussions with senior officials to encourage their Governments to consider accepting cases for trial from the Tribunal. A positive response will greatly assist the Tribunal to realize its objective for the expeditious completion of its mandate. Meanwhile, much effort has been invested in the three applications filed in November 2010, seeking the referral to Rwanda of the cases of the arrestee *Uwinkindi* and the fugitives *Sikubwabo* and *Kayishema*. The Prosecutor also continued to provide assistance to Rwanda in its efforts to try 25 other suspects who were investigated but not indicted by the Tribunal, and their files were handed over to Rwanda in 2010.

49. Pursuant to Security Council resolution 1966 (2010), establishing the Arusha Branch of the Residual Mechanism on 1 July 2012, the Office of the Prosecutor has focused on the preparations for a smooth transition to an efficient and effective mechanism. In addition to system-wide coordination within and between the Tribunals, the Offices of the Prosecutors of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda have also set up an intra-Office of the Prosecutor coordination team that has agreed on the structure and staffing of the common Office of the Prosecutor in line with the objectives of the resolution for a lean and effective mechanism.

50. During the reporting period, there has been a positive signal for international cooperation against impunity and for accountability at the highest levels. Several Member States have continued to enhance their efforts to bring to trial, within their national jurisdictions, the Rwandan suspects appearing on the INTERPOL wanted list. For the effective prosecution of those suspects, the Office of the Prosecutor continues to provide mutual legal assistance and information to national prosecuting authorities. As a result, requests to the Prosecutor for information from the Office's extensive database have increased substantially over the reporting period.

E. Activities of the Registry

1. Office of the Registrar

51. The *Office of the Registrar* continued to act as the channel of communication between the organs of the Tribunal as well as its diplomatic arm. As such, the Office of the Registrar maintained high-level diplomatic contacts with Member States, international organizations and non-governmental organizations. During the reporting period, the Office of the Registrar transmitted more than 540 notes verbales and other correspondence related to the operations of the Tribunal, in particular, to secure support and cooperation from Member States with respect to ongoing trials. The Registry dealt with an increased number of inquiries and requests for legal assistance from national jurisdictions.

52. Rwanda continued to cooperate with the Tribunal by facilitating the flow of witnesses from Kigali to Arusha and by providing relevant documents for use in trial proceedings.

53. An agreement with respect to enforcement of sentences was signed with the Republic of Senegal on 22 November 2010. On 18 July 2010, the Tribunal transferred one convicted person to a Member State to serve the remainder of his

sentence. The Registry is taking the necessary measures to implement four decisions rendered by the President ordering transfer of convicted persons to another Member State in May 2011. Two additional decisions are expected shortly. The relocation of convicted persons who have served their sentence remains an issue of concern calling for a sustainable solution which requires the increased cooperation of Member States.

54. Similarly, the issue of the relocation of persons acquitted by the International Criminal Tribunal for Rwanda continues to be a matter of grave concern for the Tribunal. To date, three acquitted persons remain in Arusha, under the protection of the Tribunal, without proper immigration status as they await relocation to a safe country. The challenge to their relocation is the unfortunate result of the absence of a formal mechanism to secure the support of Member States to accept these persons within their territories. The International Criminal Tribunal for Rwanda considers the resettlement of persons acquitted by an international tribunal to be a fundamental expression of the rule of law and is seriously concerned about the consequences of failing to fulfil this obligation. This view was shared by the Office of the United Nations High Commissioner for Refugees in a UNHCR-ICTR expert meeting organized in Arusha in April 2011. One of the conclusions of the joint expert meeting recognized that the Security Council is where the plight of the acquitted persons belongs, and that the Tribunal has no other choice but to call upon the assistance of the Council to find a sustainable solution to this issue.

55. The *External Relations and Strategic Planning Section* was successful in raising voluntary contributions to the Trust Fund, enabling the Tribunal to carry on its capacity-building and outreach activities. These activities form an important part of the Tribunal's mandate and legacy and are a vital tool for bridging the information gap between the Tribunal and the people of Rwanda at the grass-roots level.

56. The Tribunal welcomed a total number of 3,073 visitors, including high-level United Nations and government officials, academics, civil society, non-governmental organizations and the general public. During the current downsizing phase, the Tribunal has attracted a higher number of visitors.

57. The Information and Documentation Centre in Kigali (Umusanzu) and 10 additional provincial information centres located across Rwanda continue to play a key role in information dissemination, improved communication and access to the jurisprudence of the Tribunal and other legal materials. The centres are visited daily by members of the Rwandan judiciary, students, researchers and the public, who are provided with informative materials and have access to briefings, training, library services, video screenings and the Internet. During the reporting period, the Information Centre in Kigali received approximately 36,000 visitors, while the provincial information centres received approximately 18,000 visitors.

58. During the reporting period, the International Criminal Tribunal for Rwanda engaged in several outreach activities. One of the flagship outreach projects relates to youth sensitization and genocide prevention education in the Great Lakes Region, through an essay and drawings competition for East African students, sponsored by the Federal Republic of Germany. The students were asked to address questions of international justice, the fight against impunity, and the contribution of the Tribunal to national reconciliation. The winners were announced in October 2010. The youth sensitization project also involves the publishing of a cartoon book on the work of

the Tribunal. The cartoon book is expected to be finalized shortly before the end of 2011. The Tribunal launched the 2011 Official Awareness Raising Programme in Huye District, Southern Region of Rwanda, on 28 and 29 April 2011. The programme included the display of the Genocide Exhibition Panels and posters of the winning essays and drawings.

59. Additionally, the International Criminal Tribunal for Rwanda, in collaboration with the National Commission for the Fight against Genocide and the Kigali Memorial Centre, conducted an exhibition in commemoration of the seventeenth anniversary of the Rwandan genocide from 4 to 15 April 2011. From May to July 2011, with funds from the Department of Public Information in New York, Awareness Raising Programmes for Lessons Learned from the Genocide of 1994 were successfully conducted in six major prisons throughout Rwanda. Approximately 29,799 prison inmates and officials attended. The Tribunal has continued to undertake capacity-building activities for about 700 legal professionals in Rwanda, with the aim of further strengthening the Rwandan justice sector in areas such as investigation, witness protection, evidence and information management, and oral and written advocacy skills. Those activities were mostly organized to equip the Rwandan judiciary with the necessary tools for successfully taking up cases that may be referred from the Tribunal. Some examples of the many initiatives that the Tribunal conducted are online legal research training for law students, and two similar trainings for members of the Rwandan judiciary at the Institute for Legal Practice and Development and the Huye Intermediate Court. The Tribunal conducted a training-of-trainers session in Rwanda with respect to increasing library collections through online resources. In May 2011, the fourth Training Workshop and Moot Competition for members of the Kigali Bar Association was conducted.

60. To sum up, the International Criminal Tribunal for Rwanda has actively continued to organize training and workshops aimed at strengthening the capacity of the Rwandan judiciary and raising awareness of the work of the Tribunal among the Rwandan public. Additional capacity-building and outreach programmes have been planned for this reporting period and could be implemented subject to availability of funds, which are extrabudgetary, for various communes in Rwanda for approximately 5,000 participants, as well as for over 28,000 students and teachers from Rwandan schools.

61. Through its Communication Cluster, the External Relations and Strategic Planning Section has ensured the wide dissemination of information about the Tribunal's activities by press meetings, newsletters and press releases, as well as the website, films and information brochures, in English, French and Kinyarwanda. The unit also processed numerous local and international media inquiries and broadcast trial proceedings via satellite. It launched exhibitions on the work of the Tribunal in East Africa, the Gambia and Senegal and organized film screenings, talks and discussions in several African capitals as well as throughout Rwanda. An open line of communication is maintained with universities and other educational institutions in the region.

62. During the reporting period, the *Gender Focal Point* prepared proposals for soliciting funds to replenish the depleted Trust Fund for the Support Programme for Witnesses. The International Criminal Tribunal for Rwanda set up a clinic for witnesses thanks to voluntary contributions from Member States for ensuring the provision of physical and psychological care to witnesses residing in Rwanda, in

particular those living with HIV/AIDS as a result of sexual violence suffered during the genocide. The campaign received a contribution from the Government of Spain during the reporting period. Regrettably, the funds have been depleted and without any immediate injection of resources, the clinic will be forced to halt the provision of its services and life-saving treatment. In addition, witnesses residing in Rwanda continued to benefit from the gender-sensitive counselling provided by the nurse psychologists resident at the Tribunal's clinic in Rwanda.

63. The *Internship Programme* welcomed 197 interns to the Tribunal during this reporting period; 165 were assigned to either Chambers or the Office of the Prosecutor. In addition, the *Pro bono Legal Researchers Programme* was able to utilize the services of four qualified lawyers in Chambers and the Office of the Prosecutor. Furthermore, 15 Legal Researchers from 12 African countries benefited from the funding made available from the European Union, and were able to assist in the work of the Tribunal. However, as donors have stopped funding this programme, no further Legal Researchers will be made available to assist the Tribunal. These programmes have assisted the implementation of the Completion Strategy, especially following the abolition of regular posts Tribunal-wide.

64. The *Legal Services and Internship Programme Unit* also continued to play an important legal advisory role for issues pertaining to the proper implementation and interpretation of United Nations administrative rules, and for cases relating to the immunities and privileges of staff regarding civil and criminal cases, in addition to interpreting and reviewing agreements. During the reporting period, the Unit mediated and settled 21 cases between staff members and local law enforcement offices, as well as domestic employees.

2. Judicial and Legal Services Division

65. The *Court Management Section* provided support services to the judicial processes of the Tribunal, including provision of real-time transcripts of proceedings, support for site visits to Rwanda, certification of witness statements, depositions and video-link hearings from various countries. As part of its role in the capacity-building and outreach activities of the Tribunal, the Section continued to conduct training sessions for representatives of various African countries, including demonstrations on the Tribunal's system for the instantaneous production of transcripts. It also conducted specialized training sessions aimed at strengthening the institutional capacity of the judicial sector in Rwanda. As a major component of the Tribunal's preparations for the transition to the Residual Mechanism, the Court Management Section contributed to drafting the policies and guidelines for the records and archives to be transferred and managed by the Residual Mechanism. It also continued its work on the redaction and digitization of the collection of audio-visual recordings of the Tribunal's proceedings.

66. The *Defence Counsel and Detention Management Section* continued to provide essential and improved support services to the Registry, Chambers and the Prosecutor. The Section improved the supporting services to detainees, prisoners and their Counsel to guarantee the detainees' and prisoners' right to legal representation. The legal aid programme proved efficient, effective and economical. During the period under review, the electronic billing system was tested and proved feasible.

67. During the reporting period, judgements for 18 accused were rendered by the Trial and Appeals Chambers of the Tribunal. Among them, one detainee was sentenced to time served and was released forthwith. Over the same period, the *United Nations Detention Facility* accommodated 19 detained witnesses from Rwanda and one prisoner witness from Mali who were called to testify in various trials.

68. On 18 July 2010, one prisoner was transferred to a Member State to serve his sentence. On 1 July 2010, one detainee died at an Arusha hospital following a long illness. One detainee who was arrested in the Democratic Republic of the Congo on 25 May 2011 was transferred and admitted to the United Nations Detention Facility on 14 June 2011.

69. As of 30 June 2011, the population of inmates at the United Nations Detention Facility was a total of 36 detained persons (12 detainees and 24 convicted persons).

70. The International Committee of the Red Cross visited the United Nations Detention Facility on 15 June 2011 and interviewed detainees. The Committee commended the Facility's management for the accomplishment of its goals, particularly the good condition of the detention.

71. During the reporting period, the *Witness and Victims Support Section* ensured the timely availability of 216 witnesses brought from 21 countries. Threat assessments were conducted for some witnesses. In accordance with protective measures ordered by the Chambers, transcripts were redacted to expunge identifying information concerning witnesses or their family members, prior to the transcripts being made public. The Section has intensified its post-trial monitoring activities in the countries of residence of witnesses who appeared before the Tribunal. Several witnesses residing in Rwanda received assistance aimed at improving their medical and psychological rehabilitation. The Section enjoyed the cooperation of several Member States, which issued temporary travel documents enabling witnesses to travel to and from Arusha, and of offices of the United Nations High Commissioner for Refugees in a number of African countries, which assisted in facilitating the movement and protection of witnesses. Some Member States also provided assistance in escorting witnesses. The Section conducted two trainings on witness protection for Rwandan judiciary and Tanzanian law enforcement and judicial officers.

72. The *Language Services Section* provided interpretation, translation and reproduction services to the Chambers, the parties and the Registry. During the reporting period, seven trial judgements and four appeals judgements, a significant number of decisions as well as of other documents such as pre-trial and closings briefs, and motions were translated. The roster of translators, interpreters and proofreaders established with a view to pre-empting any potential disruption of trials was kept in place and was used on one occasion to bring two Kinyarwanda interpreter-translators on board. In addition, documents for translation were outsourced, and freelance revisers were recruited to alleviate the heavy workload of the Section.

73. The *Legal Library and Reference Section* continues to play a crucial role in delivering legal materials needed to support the judicial process. In addition, the Legal Library released the new versions of the full-text searchable "ICTR basic

documents and case law", covering the period 1995-2010 for the DVD and the year 2010 for the CD-ROM.

3. Division of Administrative Support Services

74. The process of downsizing continued to pose major challenges to the operations of the entire Tribunal. The *Division of Administrative Support Services* continued to respond to those challenges in a proactive and flexible manner.

75. The staff members of the Tribunal come from 72 countries and, as of 29 June 2011, the Tribunal had 666 staff members against an authorized complement of 827 posts, with 161 vacant posts, a 19 per cent vacancy rate. Based on the current attrition rate trend as staff members continue to look for more stable jobs elsewhere, it is anticipated that the vacancy rate will be above 20 per cent by the end of 2011. The gender ratio of staff at the Professional level and above is 64 per cent male and 36 per cent female.

76. During the downsizing phase, attracting and retaining competent staff continues to pose a major challenge. The short duration of contracts issued to staff members has contributed to increased uncertainty and has continued to have a negative impact on productivity. The Division put in place measures aimed at retaining staff and is closely working with the Office of Human Resources Management on the modality of issuing contracts in line with the judicial calendar as a way of issuing contracts of longer durations to those whose services will still be required. In parallel, the consultative staff retention exercise continues to be conducted in order to determine the number and composition of staff to be retained until the completion of the Tribunal's work. It should be noted that the current limitation of duration of temporary appointments has the potential of impacting negatively on the Completion Strategy. The Tribunal's Management is consulting with the Office of Human Resources Management with the aim of instituting flexibility measures to address this concern.

77. The *Career Resource Centre* has been organizing career development workshops and training to support staff in their professional aspirations. The *Human Resources Planning Section* continues to actively assist staff who are leaving the Tribunal. In May 2011, a series of presentations and individual consultations were organized in collaboration with the United Nations Joint Staff Pension Fund to inform staff about their pension entitlements. The Section also organized another Job Fair in June 2011, and has once again issued an online compendium of skills (e-fact sheets) in an attempt to support all categories of staff in securing employment beyond their assignment with the Tribunal. The Section also continues to provide advice to staff members and judges on their final entitlements and on the implications of the new contractual arrangements and Staff Rules.

78. The *Security and Safety Section* continued to update and test its contingency plans in order to ensure the safety and security of the Tribunal's staff, premises, assets and operations through dedicated interaction with the host country's security services and with the Office of the Security Advisor of the United Republic of Tanzania. During the reporting period, no major incidents occurred. The United Nations security guidelines were fully implemented and safety and security information was shared with the staff regularly and in a timely manner.

79. The *Information Technology Services Section* continued to provide vital support to the Tribunal. The *Electronic Data Processing Unit* maintains the information and technology infrastructure of the Tribunal, supporting and meeting the computing needs of the various business units. During the reporting period, a number of business process systems were brought online that added efficiency and timelines to standard administrative procedures within the Division of Administrative Support Services. Infrastructure upgrades were made to the network and data centre to replace obsolete equipment and add capacity to support the critical audio-visual digitization and other legacy projects. The *Audio-visual Unit* provides video coverage of all court proceedings and videoconferencing services for remote witness testimonies and meetings. The *Telecommunications Unit* supports the operation and maintenance of the telephone network, two satellite earth stations, rural telephone links and two-way radio networks and the telephone billing and switchboard operator services.

80. The *Health Services Unit* provided curative, preventive and trauma counselling support and performed medico-administrative duties for judges and staff members and their dependants, as well as for detainees, witnesses and victims. The Unit monitored clients' health through four sub-units: two in Kigali and two in Arusha. In Kigali, witnesses received a full medical check-up and medical care before transfer to Arusha for testimony. In Arusha, the United Nations Detention Facility sub-unit cared for detainees, prisoners and prisoner-witnesses. At the headquarters clinic, clients received medicines, laboratory services and immunization free of charge.

81. The *Counselling and Welfare Unit* addressed psychosocial issues of staff members and recognized family members, and implemented welfare activities for the wellness of all staff. The Unit also continued to provide trauma counselling to witnesses and professional psychological support to staff and their families. The services of the Staff Counsellor were available on a 24-hour basis.

82. In the area of resources management, the *Budget Unit* continued to provide expertise on proper planning, control and monitoring of the utilization of available resources. The *Finance Section* continued to provide timely and reliable services to staff members and clients of the Tribunal.

83. The *General Services Section* and the *Procurement Section* provided vital support to the Tribunal. The *Building Management Services*, in line with the Completion Strategy, started to relocate surplus accommodation containers from Kigali to Arusha for use as offices, thus allowing for the return of some regular rental space to the landlord. The *Asset Management Services* improved the reception and inspection of goods purchased by the Tribunal. Efforts were made to introduce the Galileo Inventory Management System. The Unit has also accelerated the process for the disposal of old and obsolete property. The recently acquired warehouse facilities in the context of the scaling down of the Tribunal operations is serving as a central point for commercial disposal of written-off assets. In order to monitor and control the use of the official vehicles, the *Transport Services Unit* has fitted almost all of the Tribunal's vehicles with Global Positioning System tracking. These devices offer real-time information on fuel utilization, the actual location of a vehicle, and the speed at which it is driven. This not only enhanced discipline on the roads but also made possible the quick recovery of a stolen official vehicle. The *Central Registry/Mail/Pouch and Archives Services* continued to provide services to the entire house. The *Central Archives Facility* continued archiving records

generated by sections/units of the Division and scanning and entering metadata into the Tower Records Information Management database. A functional archiving structure was established for Kigali records of the Division of Administrative Support Services. The *Procurement Section* continued to ensure that the goods and services required by the Tribunal to undertake its activities effectively were provided on time and within budget. It also worked closely with units such as Transport to identify possible outsourcing of services such as repair and maintenance of vehicles. The Section also handled successfully the commercial disposal of some of the Tribunal's furniture, vehicles and equipment.

III. Conclusion and recommendations

84. The Tribunal made significant progress during the past year towards achieving the goals of the Completion Strategy despite a very heavy workload: six trial judgements representing 14 accused were delivered. At the trial level, the delivery of judgements in all remaining cases, except for two, is expected before the end of 2011.

85. State cooperation remains the cornerstone of the Tribunal's ability to complete its mandate, and the Tribunal appreciates the continued trust and support of Member States.

86. With the close cooperation of Member States, one fugitive was arrested in the region during the reporting period. Additional efforts will have to be made, however, both by the Tribunal and by Member States, to ensure the arrest of the remaining nine fugitives, in particular the three high-ranking accused earmarked for trial before the Tribunal who have evaded justice for over 17 years.

87. The Tribunal reiterates its call for urgent action to help to find host countries for the three acquitted persons who remain in a safe house in Arusha under the Tribunal's protection. For one of those individuals, it has been over four years since the confirmation of his acquittal by the Appeals Chamber. The International Criminal Tribunal for Rwanda considers the resettlement of persons acquitted by an international criminal tribunal to be a fundamental expression of the rule of law and is concerned about the consequences of failing to fulfil this obligation.

88. Finally, maintaining an adequate level of experienced staff remains the key challenge for the Tribunal as an organization approaching the end of its mandate. The Tribunal appreciates all the support given by Member States to efforts to address this pressing situation.

89. The Tribunal has been engaged in work directly related to the Rwandan genocide for more than 17 years. The genocide has greatly affected everyone at the Tribunal, and seeking justice for the victims continues to drive our commitment to the goal of ensuring that never again will such atrocities occur. We call for the support of the international community to provide us with the necessary resources to accomplish our mandate, and we hope that our work will lead the way in the continued fight against impunity.



**General Assembly
Security Council**

Distr.: General
31 July 2011

Original: English

**General Assembly
Sixty-sixth session**

Item 74 of the provisional agenda*

**Report of the International Tribunal for the Prosecution
of Persons Responsible for Serious Violations of
International Humanitarian Law Committed in the
Territory of the Former Yugoslavia since 1991**

**Security Council
Sixty-sixth year**

**Report of the International Tribunal for the
Former Yugoslavia**

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and the members of the Security Council the eighteenth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, submitted by the President of the International Tribunal in accordance with article 34 of the statute of the Tribunal (see S/25704 and Corr.1, annex), which states that:

The President of the International Tribunal shall submit an annual report of the International Tribunal to the Security Council and to the General Assembly.

* A/66/150.

Letter of Transmittal

31 July 2011

Excellencies,

I have the honour to submit the eighteenth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, dated 31 July 2011, to the General Assembly and the Security Council, pursuant to article 34 of the statute of the International Tribunal.

Please accept, Excellencies, the assurances of my highest consideration.

(Signed) Patrick **Robinson**
President

President of the General Assembly
United Nations
New York

President of the Security Council
United Nations
New York

**Eighteenth annual report of the International Tribunal for
the Prosecution of Persons Responsible for Serious
Violations of International Humanitarian Law Committed
in the Territory of the Former Yugoslavia Since 1991**

Summary

The eighteenth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 covers the period from 1 August 2010 to 31 July 2011.

The Tribunal continued to focus upon the completion of all trials and appeals. At the close of the reporting period, 16 persons are in appeal proceedings, 14 persons are on trial, and 5 are at the pretrial stage. The Trial Chambers delivered judgements in the *Gotovina et al.* and *Dorđević* cases. The Appeals Chamber delivered one Judgement on review in the *Šljivančanin* case and one appeal Judgement in the *Hartmann* case.

President Patrick Robinson (Jamaica); Vice-President O-Gon Kwon (Republic of Korea); the Prosecutor, Serge Brammertz; and the Registrar, John Hocking, continued to fulfil their duties at the Tribunal.

The Office of the Prosecutor made progress towards the completion of the Tribunal's mandate at both the trial and appellate levels. The Office of the Prosecutor continued to further develop interaction with the authorities of the States of the former Yugoslavia to encourage cooperation with the Tribunal and support domestic war crimes prosecutions.

Under the authority of the President, the Registry continued to play a crucial role in the provision of administrative and judicial support to the Tribunal. The Immediate Office of the Registrar coordinated the work of the various Registry sections and dealt with a vast range of legal, policy and operational matters, including the practical arrangements necessary for the commencement of the International Residual Mechanism for Criminal Tribunals and the enhancement of the capacity for the enforcement of sentences imposed by the Tribunal. The Communications Service carried out a diverse range of activities with a view to increasing the profile of the Tribunal and bringing its judgements to the relevant communities. The Court Management and Support Services Section supported 10 cases at trial, five cases on appeal, and four contempt cases. The Conference and Language Services Section continued to provide interpretation, translation, and court reporting services of the highest quality in the working languages of the Tribunal, as well as the Bosnian/Croatian/Serbian, Macedonian and Albanian languages. The Victims and Witnesses Section facilitated and supported close to 500 witnesses travelling to The Hague to give evidence. The Office for Legal Aid and Detention Matters serviced multiple defence teams in cases in pretrial, trial and appellate proceedings, as well as amici curiae appointed by Chambers, and provided facilities to self-represented accused in cooperation with other sections of the Registry. The United Nations Detention Unit continued to operate at a high level of activity and provided the highest levels of security and custodial care to all detained persons. The Division of Administration coordinated the preparation of the revised budget estimates for the biennium 2010-2011 and the proposed budget for the biennium 2012-2013, was

heavily involved in the formulation of the first budget of the International Residual Mechanism for Criminal Tribunals, remained actively engaged in the implementation of the downsizing and comparative review process, and worked closely with staff representatives in the implementation of the second comparative review exercise.

All organs of the Tribunal faced significant challenges during the reporting period in meeting the objectives of the completion strategy owing to the devastating impact of staff attrition. In response, the President urged the Security Council to take measures to help the Tribunal to find practicable solutions to address this issue as the Tribunal approaches the completion of its work.

To date, the Tribunal has concluded proceedings against 126 of the 161 persons indicted by the Tribunal. The report that follows details the activities of the Tribunal during the reporting period and demonstrates the Tribunal's focus on its goal of completing its proceedings as soon as possible, without sacrificing due process.

Contents

	<i>Page</i>
I. Introduction	5
II. Activities involving the entire Tribunal	5
A. President	5
B. Bureau	7
C. Coordination Council	7
D. Plenary sessions	7
E. Rules Committee	7
III. Activity of Chambers	8
A. Composition of the Chambers	8
B. Principal activity of the Trial Chambers	8
C. Principal activity of the Appeals Chamber	12
IV. Activity of the Office of the Prosecutor	13
A. Completion of trials and appeals	13
B. Cooperation	14
C. Transfer of cases and investigative files	16
D. Supporting national prosecutions	16
V. Activity of the Registry	17
A. Office of the Registrar	17
B. Judicial support services sections	18
C. Division of Administration	19

I. Introduction

1. The eighteenth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 outlines the activities of the Tribunal for the period from 1 August 2010 to 31 July 2011.
2. During the reporting period, the Tribunal continued to implement its completion strategy endorsed by the Security Council in resolution 1503 (2003). The Tribunal continued to focus on the completion of all trials and appeals. At the close of the reporting period, 16 persons are in appeal proceedings, 14 persons are on trial, and 5 are at the pretrial stage. The Trial Chambers delivered Judgements in the *Gotovina et al.* and *Đorđević* cases. The Appeals Chamber delivered one Judgement on review in the *Šljivančanin* case and one appeal Judgement in the *Hartmann* case. To date, the Tribunal has concluded proceedings against 126 of the 161 persons indicted by the Tribunal.
3. President Patrick Robinson (Jamaica); Vice-President O-Gon Kwon (Republic of Korea); the Prosecutor, Serge Brammertz; and the Registrar, John Hocking, continued to fulfil their duties at the Tribunal.
4. Measures were taken during the reporting period to reform the Tribunal's procedures in order to maximize efficiency.
5. The pace of the Tribunal's trials and appeals continued to be affected by staffing shortages and the loss of highly experienced staff members. Despite resolutions by the General Assembly and the Security Council on the issue of staff retention, this problem persists. In response, the President urged the Security Council to take measures to help the Tribunal to find practicable solutions to address this issue as the Tribunal approaches the completion of its work. Without practical and effective staff retention measures, the estimates for the completion of the core work of the Tribunal may have to be revised.

II. Activities involving the entire Tribunal

A. President

6. President Robinson continued to focus his efforts on the core functions of the Tribunal — trial and appeals. He also instituted internal reforms, pursued capacity-building and legacy projects, conducted diplomatic relations, and carried out the judicial responsibilities of the Office of the President.

1. Internal reforms

7. The Tribunal amended rule 94 (B) in order to clarify the law pertaining to the judicial notice of adjudicated facts, in order to ensure efficient use of the Rules by the parties to the proceedings.
8. During the last reporting period, the President reconstituted the Working Group on Speeding Up Trials to undertake a third review of the Tribunal's practices in order to assess whether further improvements could be implemented into the work of the Chambers. The Working Group submitted its report on 21 May 2010

and recommended a number of reforms to the Tribunal's procedures. On 7 June 2010, the Judges adopted those recommendations and decided to integrate them into the ongoing proceedings. During this reporting period, the Judges continued to implement the recommendations of the Working Group into their proceedings.

9. A new, more empirical methodology has been applied to appeal projections, the aim of which is to generate timelines for appeals that, it is hoped, will largely remain the same until the end of the work of the Tribunal. Moreover, the Appeals Chamber has implemented a number of reforms of its working methodology in order to augment the efficiency of its proceedings, including the limitation of amendments to grounds of appeal, the organization of Judgement drafting, and the prioritization of work.

2. Capacity-building and legacy

10. The President continued to advance the capacity-building of national jurisdictions as a priority of the Tribunal's legacy strategy. On 28 September 2010, the Tribunal, the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, and the United Nations Interregional Crime and Justice Research Institute officially launched the joint 18-month "War Crimes Justice Project" in Belgrade. Encouraged by the fruitful outcome of the Tribunal's conference "Assessing the Legacy of the ICTY", which explored aspects of the Tribunal's legacy, particularly in the former Yugoslavia, the Tribunal will convene a second conference on 15 and 16 November 2011, concentrating on the Tribunal's global legacy. The Tribunal is also preparing for the establishment of information centres under local ownership in the former Yugoslavia.

3. Diplomatic relations

11. President Robinson was actively involved in cooperation, outreach and reporting activities to secure support for the Tribunal's work and increase its international profile.

12. On 1 September 2010, the President welcomed a group of judges and prosecutors from Serbia on a three-day study visit to the Tribunal. The visit was part of the Tribunal's ongoing efforts to strengthen cooperation and knowledge-sharing with members of the judiciary in the former Yugoslavia. President Robinson and other Tribunal Judges met with the visiting members of the Serbian judiciary to discuss topics including witness protection, plea bargaining, sentencing practice, case management, the appeals process, and legal standards in war crimes adjudication.

13. On 28 September, the President launched the "War Crimes Justice Project" in Belgrade to facilitate transfer of the Tribunal's unique institutional knowledge and specialized skills to jurisdictions in the region and ensure that those jurisdictions have access to the Tribunal's materials in a useable format.

14. On 8 October, the President addressed the General Assembly regarding the Tribunal's seventeenth annual report (A/65/205-S/2010/413).

15. On 6 December, the President addressed the Security Council regarding the fourteenth report of the Tribunal on its completion strategy (S/2010/588).

16. On 6 June 2011, the President addressed the Security Council regarding the fifteenth report of the Tribunal on its completion strategy (S/2011/316).

17. On 21 and 22 June 2011, President Robinson and the Registrar, John Hocking, attended a two-day meeting in Zagreb of the Informal Consultative Working Group on the Establishment of Information Centres in the Former Yugoslavia. The goal of the meeting was to further discuss the establishment of information and documentation centres across the region, as well as access to the Tribunal's judicial archives.

4. Judicial activity

18. By virtue of the powers vested in him by the statute, the Rules, and the Practice Directions of the Tribunal, the President issued numerous orders assigning cases to Chambers and reviewed several decisions of the Registrar. The President also granted two requests for pardon, commutation of sentence, and early release of persons convicted by the Tribunal, and rejected seven such applications.

B. Bureau

19. Pursuant to rule 23 of the Rules, the Bureau is composed of the President, the Vice-President and the Presiding Judges of the Trial Chambers. The President consulted the Bureau on requests for pardon, commutation of sentence, and early release of convicted persons serving their sentences.

C. Coordination Council

20. Pursuant to rule 23 bis of the Rules, the Coordination Council consists of the President, the Prosecutor and the Registrar. During the reporting period, the Council met to discuss, inter alia, staff retention, capacity-building and legacy activities, and the Tribunal's contribution to the creation of and smooth transition to the International Residual Mechanism for Criminal Tribunals.

D. Plenary sessions

21. During the reporting period, the Judges held two regular plenary sessions. At the 39th plenary session, on 8 December 2010, the Judges repealed rule 23 ter, the Management Committee; amended rule 15 ter (C), Reserve Judges; adopted new rules 75 bis, Requests for Assistance of the Tribunal in Obtaining Testimony, and 75 ter, Transfer of Persons for the Purpose of Testimony in Proceedings Not Pending Before the Tribunal; and amended rule 94 (B), Judicial Notice. At the 40th plenary session, on 16 June 2011, the Judges discussed proposed amendments to rules 65, 75 bis and 75 ter.

E. Rules Committee

22. The judicial membership of the Rules Committee comprises Judge Carmel Agius (Chair), President Patrick Robinson, Vice-President O-Gon Kwon, and Judges Alphons Orie and Christoph Flüge. The non-voting members include the Prosecutor, the Registrar and a representative of the Association of Defence Counsel. During the reporting period, the Rules Committee met three times on the

following dates to discuss proposals to the Rules and make recommendations to the Judges: 5 October 2010 and 4 February and 5 April 2011.

III. Activity of Chambers

A. Composition of the Chambers

23. The Tribunal currently has 25 Judges from 23 countries. The Chambers are composed of 13 permanent Judges, 2 permanent Judges from the International Criminal Tribunal for Rwanda serving in the Appeals Chamber, and 10 ad litem Judges.

24. The permanent Judges are Patrick Robinson (President, Jamaica), O-Gon Kwon (Vice-President, Republic of Korea), Christoph Flügge (Germany), Alphons Orie (Netherlands), Fausto Pocar (Italy), Liu Daqun (China), Theodor Meron (United States of America), Carmel Agius (Malta), Jean-Claude Antonetti (France), Bakone Justice Moloto (South Africa), Burton Hall (Bahamas), Howard Morrison (United Kingdom of Great Britain and Northern Ireland), and Guy Delvoie (Belgium). The permanent Judges from the Tribunal serving in the Appeals Chamber are Mehmet Güney (Turkey) and Andréia Vaz (Senegal). Judge Kevin Parker (Australia) also served as a permanent Judge during the reporting period, but resigned from the Tribunal on 28 February 2011.

25. During the reporting period, the following have served as ad litem Judges: Árpád Prandler (Hungary), Stefan Trechsel (Switzerland), Antoine Kesia-Mbe Mindua (Democratic Republic of the Congo), Frederik Harhoff (Denmark), Flavia Lattanzi (Italy), Pedro David (Argentina), Michèle Picard (France), Elizabeth Gwaunza (Zimbabwe), Melville Baird (Trinidad and Tobago) and Prisca Matimba Nyambe (Zambia). Judge Uldis Ķinis (Latvia) also served as an ad litem Judge during the reporting period, but resigned from the Tribunal on 18 April 2011.

26. The following Judges served in the Trial Chambers during the reporting period: Judges Kwon (presiding), Parker (presiding), Flügge (presiding), Orie (presiding), Antonetti (presiding), Moloto (presiding), Hall (presiding), Morrison, Delvoie, Prandler, Trechsel, Mindua, Harhoff, Lattanzi, David, Picard, Ķinis, Gwaunza, Baird and Nyambe.

27. The Appeals Chamber is composed of Judges Robinson (presiding), Güney, Pocar, Liu, Vaz, Meron and Agius.

B. Principal activity of the Trial Chambers

1. Trial Chamber I

(a) Pretrial

Mladić

28. Ratko Mladić was arrested on 26 May 2011 and transferred to the seat of the Tribunal on 31 May 2011. The initial appearance was held before Judges Orie (presiding), Flügge and Moloto on 3 June. The accused did not enter a plea at that time. A further appearance was held on 4 July, at which the Presiding Judge entered a plea of not guilty on the accused's behalf.

(b) Trial

Gotovina, Čermak and Markač

29. The Judgement was rendered on 15 April 2011. The Trial Chamber convicted Ante Gotovina and Mladen Markač on eight counts of crimes against humanity and violations of the laws or customs of war and sentenced them to 24 and 18 years' imprisonment, respectively. The Trial Chamber acquitted Ivan Čermak on all counts.

Perišić

30. Momčilo Perišić is charged with crimes against humanity and violations of the laws or customs of war allegedly committed in Sarajevo and Srebrenica (Bosnia and Herzegovina), as well as in Zagreb (Croatia) between August 1993 and November 1995. The Trial Chamber is composed of Judges Moloto (presiding), David and Picard. The trial commenced on 2 October 2008. The Prosecution concluded its case on 25 January 2010. The Defence started its case on 22 February 2010 and concluded its case on 11 January 2011. Final briefs were filed on 4 March 2011, and final arguments were heard on 28 March 2011. The case is currently in Judgement drafting.

J. Stanišić and Simatović

31. Jovica Stanišić and Franko Simatović are charged with crimes against humanity and violations of the laws or customs of war allegedly committed in Croatia and Bosnia and Herzegovina between April 1991 and December 1995. The Trial Chamber is composed of Judges Orić (presiding), Picard and Gwaunza. The trial commenced on 28 April 2008, but was adjourned by order of the Appeals Chamber of 16 May 2008 because of the health of Stanišić. The trial recommenced on 2 June 2009. The Prosecution concluded its case on 5 April 2011. The Stanišić Defence started its case on 14 June 2011.

(c) Contempt

Kabashi

32. On 5 June 2007, the Trial Chamber issued an order in lieu of indictment against Shefqet Kabashi. On 11 December 2007, the Trial Chamber referred the case to the Prosecution to further investigate and prosecute the matter. On 18 February 2008, the Trial Chamber granted the Prosecution leave to amend the indictment. No trial has started since the accused is at large.

2. Trial Chamber II

(a) Pretrial

Haradinaj et al. retrial

33. On 21 July 2010, the Appeals Chamber granted the Prosecution's request for a reversal of the Trial Chamber's decision to acquit Ramush Haradinaj, Idriz Balaj and Lahi Brahimaj on certain counts in the indictment and ordered a partial retrial of the case. The retrial indictment, as confirmed by the Appeals Chamber, charges the accused with six counts of war crimes committed in Kosovo in 1998. The Trial Chamber is composed of Judges Moloto (presiding), Hall and Delvoie. The retrial is scheduled to commence on 18 August 2011.

Hadžić

34. Goran Hadžić was arrested on 20 July 2011 and transferred to the seat of the Tribunal on 22 July 2011. On 21 July 2011, the President of the Tribunal had assigned the case to a bench consisting of Judge Delvoie (presiding), Hall and Mindua. On 25 July 2011, the initial appearance was held. The case is in the very early stages of pretrial preparation.

(b) Trial

Dorđević

35. Vlastimir Dorđević was charged with crimes against humanity and violations of the laws or customs of war allegedly committed in Kosovo in 1999. Dorđević was arrested on 17 June 2007, and the trial commenced on 27 January 2009. The Trial Chamber, composed of Judges Parker (presiding), Flügge and Baird, issued its Judgement on 23 February 2011. It found Dorđević guilty of five counts of crimes against humanity and violations of the laws or customs of war committed through his participation in a joint criminal enterprise and for having aided and abetted the murder of 724 Kosovo Albanians, specifically named in the schedule to the Judgement, the deportation and forcible transfer of hundreds of thousands of Kosovo Albanians from more than 60 locations listed in the Judgement, and the destruction of Kosovo Albanian religious and cultural property. The Chamber sentenced the accused to 27 years' imprisonment.

M. Stanišić and Župljanin

36. Mićo Stanišić and Stojan Župljanin are both charged with 10 counts of crimes against humanity and violations of the laws or customs of war allegedly committed in April through December 1992 in Bosnia and Herzegovina. The Trial Chamber is composed of Judges Hall (presiding), Delvoie and Harhoff. Trial commenced on 14 September 2009, and the Prosecution closed its case on 2 February 2011. The Defence of Mićo Stanišić opened its case on 11 April 2011 and is expected to close shortly, to be followed by the Župljanin defence case.

Tolimir

37. Zdravko Tolimir is charged with genocide, conspiracy to commit genocide, crimes against humanity, and a violation of the laws or customs of war allegedly committed in Bosnia and Herzegovina in 1995. The Trial Chamber is composed of Judges Flügge (presiding), Mindua and Nyambe. The trial commenced on 26 February 2010, and the Prosecution's case-in-chief is now close to completion.

(c) Contempt

Šešelj

38. On 3 February 2010, the Trial Chamber issued an order in lieu of indictment charging Vojislav Šešelj with contempt for having disclosed in a book information which may identify 11 protected witnesses in violation of orders of a Chamber. The trial proceedings began on 22 February 2011 and ended on 8 June 2011. The Judgement is being prepared.

Šešelj

39. On 9 May 2011, the Trial Chamber issued an order in lieu of indictment charging Vojislav Šešelj with contempt for failing to remove from his website confidential information in violation of an order of a Chamber. The Chamber will prosecute the matter itself. The initial appearance was held on 6 July 2011.

3. Trial Chamber III

(a) Pretrial

40. There are no pretrial cases pending before Trial Chamber III.

(b) Trial

Karadžić

41. Radovan Karadžić is charged under 11 counts with genocide, crimes against humanity, and violations of the laws or customs of war allegedly committed in Bosnia and Herzegovina between 1992 and 1995. The Trial Chamber is composed of Judges Kwon (presiding), Morrison, Baird and Lattanzi (reserve). The trial commenced on 26 October 2009. The case is currently hearing the Prosecution's case-in-chief.

Šešelj

42. Vojislav Šešelj is charged with crimes against humanity and violations of the laws or customs of war allegedly committed in Croatia, Bosnia and Herzegovina, and Vojvodina (Serbia) between August 1991 and September 1993. The Trial Chamber is composed of Judges Antonetti (presiding), Harhoff and Lattanzi. The trial started anew on 7 November 2007, but then was adjourned on 11 February 2009. The trial resumed on 12 January 2010. After the close of the Prosecution's case-in-chief, the Trial Chamber on 4 May 2011 ruled under rule 98 bis that there was enough evidence to support the counts alleged in the indictment. On 9 June 2011, the Trial Chamber ordered the accused to file the lists of witnesses he intends to call and exhibits he intends to tender as evidence during his defence case. These are expected to be filed the first week of August 2011, with the defence case expected to start thereafter.

Prlić et al.

43. Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković, Valentin Ćorić and Berislav Pušić are charged with grave breaches of the Geneva Conventions, crimes against humanity, and violations of the laws or customs of war allegedly committed between November 1991 and April 1994 in Bosnia and Herzegovina. The Trial Chamber is composed of Judges Antonetti (presiding), Prandler, Trechsel and Mindua (reserve). The trial commenced on 26 April 2006, and the defence case was completed in May 2010. On 7 January 2011, the parties filed their final briefs. The presentation of closing arguments began on 7 February and ended on 2 March 2011. The Judgement is being prepared.

(c) **Contempt**

Rašić

44. Jelena Rašić, a former member of the Milan Lukić defence team, is charged with contempt of the Tribunal for allegedly procuring false statements in exchange for money from three persons to be called as witnesses for the Milan Lukić defence in *Prosecutor v. Milan Lukić and Sredoje Lukić* (Case No. IT-98-32/1-T). The Trial Chamber is composed of Judges Morrison (presiding), Hall and Delvoie. On 22 September 2010, Rašić pleaded not guilty on all counts of the indictment. The trial is expected to be held in early autumn 2011.

4. Rule 11 bis Referral Bench

45. The Rule 11 bis Referral Bench has transferred all low- and mid-level accused from its trial docket in accordance with Security Council resolution 1503 (2003).

5. Rule 75 (H) Bench

46. The Rule 75 (H) Bench, composed of Judges Moloto (presiding), Flügge and Morrison, continued to function in an efficient manner, rendering 23 decisions during the reporting period on requests under rule 75 (G) and (H) for confidential information for use in national proceedings and under rule 75 bis for persons under the authority of the Tribunal to testify in national proceedings.

C. Principal activity of the Appeals Chamber

Interlocutory appeals

47. Thirteen decisions on interlocutory appeals were issued in the following cases: *Haradinaj et al.* (4); *Prlić et al.* (3); *Stanišić and Simatović* (2); *Gotovina et al.* (1); *Šešelj* (1); and *Stanišić and Župljanin* (2).

Contempt appeals

48. One contempt appeal Judgement was rendered in the *Hartmann* case.

Appeals on the merits

49. The Appeals Chamber did not render any final Judgements during the reporting period.

50. There are three appeals — *Šainović et al.*, *Lukić and Lukić*, and *Popović et al.* — currently pending before the Appeals Chamber from previous reporting periods, and two new appeals from Judgements were filed before the Appeals Chamber in the *Dorđević* and *Gotovina and Markač* cases. Pre-appeal activity is ongoing in these cases.

51. A total of 75 pre-appeal decisions and orders were issued during the reporting period.

Review

52. The Appeals Chamber rendered a Judgement on review in the *Šljivančanin* case.

Other appeals

53. The Appeals Chamber rendered one decision in the *Borovčanin* case.

IV. Activity of the Office of the Prosecutor

A. Completion of trials and appeals

54. During the reporting period, significant advances were made in establishing accountability for the crimes committed during the wars in the former Yugoslavia. Foremost among them were the arrests of Ratko Mladić on 26 May 2011 and Goran Hadžić on 20 July 2011. Ratko Mladić had evaded for 16 years capture and transfer to The Hague. Goran Hadžić was a fugitive of justice for seven years. Both were the last fugitives remaining at large out of the 161 persons indicted by the Tribunal. The Prosecution expressed its commitment to moving ahead expeditiously with the trials.

55. During the reporting period, the Prosecution finalized a large component of its trial work. By the end of the period, the presentation of the Prosecution's case-in-chief had been completed in all but four cases (*Mladić*, *Karadžić*, *Tolimir*, and the *Haradinaj et al.* retrial). Three cases were in the defence phase of the proceedings (*Šešelj*, *(Jovica) Stanišić and Simatović*, and *(Mićo) Stanišić and Župljanin*), and two cases had concluded and were awaiting Judgement (*Prlić et al.* and *Perišić*). That progress was achieved notwithstanding problematic rates of staff attrition in the Office of the Prosecutor, which has left remaining staff to shoulder unsustainably heavy burdens. The Prosecutor expressed concern that staffing difficulties would likely escalate in the next reporting period given the absence of incentives for staff to remain.

56. The Office of the Prosecutor began shifting the focus of its attention and resources to the appeals phase of proceedings to ensure that it is effectively positioned to deal with the upcoming appellate caseload. By the end of the reporting period, there were five cases on appeal (*Šainović et al.*, *Lukić and Lukić*, *Popović et al.*, *Đorđević*, and *Gotovina and Markač*). The Appeals Division also absorbed work arising out of the *Haradinaj et al.* retrial and the *Rašić* contempt trial.

57. The multiple contempt proceedings ongoing before the Tribunal, particularly those concerning the *Šešelj* case, continued to generate a significant amount of additional work for the Office of the Prosecutor. *Šešelj's* lack of compliance with court orders required continuous monitoring to ensure the protection of witnesses, constituted a drain on the Tribunal's resources, and presented a challenge for the Tribunal's effective functioning.

58. The Office of the Prosecutor worked at full capacity to finalize the remaining trials and appeals. The Prosecution continuously re-evaluated its working methods to identify ways to further expedite the proceedings. A consistent methodology was applied across all cases for streamlining the presentation of evidence in court. That methodology focused on narrowing the issues in dispute with defence teams as much as possible and presenting evidence in written form. Efficient use was made of key evidence contained in the wartime notebooks and associated tapes of Ratko Mladić, which were located by the Serbian authorities in February 2010. The Office

of the Prosecutor established a task force to uniformly and expeditiously handle all issues related to the Mladić materials.

59. With the completion of trial activities, the Office of the Prosecutor abolished corresponding posts and proceeded with downsizing the Office. At the same time, preparations began for the transition of functions to the International Residual Mechanism for Criminal Tribunals in accordance with Security Council resolution 1966 (2010).

B. Cooperation

1. International cooperation

60. The Office of the Prosecutor continued to depend on the full cooperation of States to fulfil its mandate. The cooperation of the States of the former Yugoslavia remained especially vital in the areas of (a) access to archives, documents and witnesses; (b) the protection of witnesses; and (c) efforts to locate, arrest and transfer the remaining fugitive as well as taking measures against those who have supported fugitives from the Tribunal.

2. Cooperation of Serbia

61. With the arrest of Ratko Mladić on 26 May 2011 and his transfer to the Tribunal on 31 May 2011 and the arrest of Goran Hadžić on 20 July 2011 and his transfer on 22 July 2011, Serbia met a key obligation towards the Tribunal. The Office of the Prosecutor acknowledged the important work done by the Serbian authorities who brought about the arrests, particularly the National Security Council, the Action Team established to track the fugitives, and the operatives from the security services. With those arrests, the Prosecutor recognized Serbia's genuine commitment to cooperating with the Tribunal. He also encouraged Serbia to provide information on how the fugitives were able to evade justice for so long and help the public to understand why they must stand trial.

62. Prior to Mladić's arrest, the Prosecutor had strongly encouraged Serbia to critically reassess its failing strategy for apprehending the fugitives. He urged Serbia to address all operational shortcomings and to widen the scope of the investigation. Certain recommendations were implemented, which contributed to the arrests of Mladić and Hadžić.

63. The Government of Serbia was further asked to intensify action against individuals in the networks that have supported fugitives from the Tribunal, including Mladić and Hadžić. The Prosecutor welcomed Serbia's statement that it would investigate and prosecute the networks that supported Ratko Mladić during his time in hiding. On 10 May 2011, the War Crimes Department of Belgrade's High Court accepted guilty pleas from six people who helped Stojan Župljanin while he was a fugitive from the Tribunal. Aside from that, action taken against individuals accused of helping the fugitives yielded few results.

64. Concerning the Tribunal's ongoing cases, Serbia's responses to the requests of the Office of the Prosecutor for access to documents, archives and witnesses were generally timely and adequate. Serbia's National Council for Cooperation continued to improve cooperation among different government bodies handling requests from the Office of the Prosecutor. The Council facilitated Prosecution requests to

reclassify Supreme Defence Council documents in the *Perišić* case as public documents. As a result, in March 2011, the Prosecutor informed the *Perišić* Trial Chamber that the Supreme Defence Council documents could be made public. The Office of the Prosecutor will continue to seek the assistance of Serbia in providing access to government documents and archives and facilitating the access of witnesses during trials and appeals.

3. Cooperation of Croatia

65. During the reporting period, Croatia was generally responsive to requests made by the Office of the Prosecutor. However, the Office's long-standing request for important military documents relating to Operation Storm — requested for the *Gotovina et al.* case — remained outstanding. The inter-agency task force established in October 2009 to locate or account for the missing documents continued its administrative investigation. During the reporting period, the Prosecutor asked Croatia to address a number of inconsistencies and questions in connection with the Task Force's findings, which remained unresolved.

66. On 15 April 2011, the Trial Chamber rendered its Judgement in *Gotovina et al.* and found Gotovina and Markač guilty of crimes based on the evidence submitted at trial. The Prosecutor expressed disappointment that, in the aftermath of the Judgement, the highest State officials had failed to comment objectively on the outcome of the case.

4. Cooperation of Bosnia and Herzegovina

67. During the reporting period, the authorities of Bosnia and Herzegovina responded promptly and adequately to requests for documents as well as access to archives and witnesses.

68. The authorities of Bosnia and Herzegovina were asked to step up efforts against fugitive networks.

69. Throughout the reporting period, the Office of the Prosecutor continued to support the work of the State Prosecutor and the Special Department for War Crimes in processing cases and investigative files transferred by the Tribunal. However, structural difficulties impeded the implementation of the National War Crimes Strategy. Political initiatives in Bosnia and Herzegovina that sought to undermine the work of the State Prosecutor's Office and the State War Crimes Court were of deep concern.

5. Cooperation between States of the former Yugoslavia in judicial matters

70. Cooperation in judicial matters between the States of the former Yugoslavia remained critical to completing the Tribunal's mandate. Judicial institutions in the former Yugoslavia continued to face challenges in coordinating their activities, which in turn imperilled the rule of law and reconciliation in the region. There were some improvements in war crimes information and evidence-sharing between prosecutors in Bosnia and Herzegovina, Croatia and Serbia. However, legal barriers to the extradition of suspects and the transfer of evidence across State borders, as well as parallel investigations, continued to obstruct effective proceedings. While regional prosecutors expressed a commitment to addressing the problem of parallel

investigations, the Prosecutor called for urgent action at the political and operational levels as well.

6. Cooperation of other States and organizations

71. The Office of the Prosecutor continued to rely on States and international organizations to provide documents, information and witnesses for trials and appeals.

72. The Office of the Prosecutor expressed appreciation for the support of States as well as international and regional organizations, such as the Organization for Security and Cooperation in Europe, the Council of Europe and the European Union. The arrest of Ratko Mladić underscored the potential of conditionality policies to promote positive outcomes for international justice. The support of non-governmental organizations, including those active in the former Yugoslavia, continued to facilitate the work of the Office.

C. Transfer of cases and investigative files

73. All cases transferred from the Tribunal to Bosnia and Herzegovina and Croatia pursuant to rule 11 bis have been finalized. The Judgement in the last of these cases — against Milorad Trbić, who was convicted of genocide and sentenced to 30 years' imprisonment — was confirmed on appeal on 14 January 2011.

74. The *Kovačević* case, which was transferred from the Tribunal to Serbia, remained suspended owing to the ill health of the accused. There was no indication of when, or if, the accused would be fit to stand trial. The Office of the Prosecutor continued to monitor the situation.

75. The fact that convicted war criminal Radovan Stanković (transferred from the Tribunal to Bosnia and Herzegovina pursuant to rule 11 bis) remains at large almost four years after he escaped from prison in Foča was identified as a serious concern. The Prosecutor encouraged the authorities of Bosnia and Herzegovina, as well as neighbouring States, particularly Serbia, to take all necessary steps to capture Stanković and to sanction those who facilitated his escape.

D. Supporting national prosecutions

76. The Office of the Prosecutor continued to work actively on strengthening the capacity of national authorities to handle the remaining war crimes cases effectively. To that end, the Office engaged in ongoing dialogue with its counterparts throughout the former Yugoslavia. It also supported training, the development of best practices, and information exchanges.

77. During the reporting period, the Office of the Prosecutor continued to support national prosecutions by facilitating access to investigative material and evidence from Tribunal case files as well as its database in The Hague. In addition, the "liaison prosecutors" project funded by the European Union was a key mechanism for strengthening working relationships between the State Prosecutor's Offices in Bosnia and Herzegovina and Croatia and the War Crimes Prosecutor's Office in Serbia.

V. Activity of the Registry

78. During the reporting period, the Registry continued to discharge its statutory responsibilities by providing operational support to the Chambers and the Office of the Prosecutor, assisting the defence, and providing diplomatic and administrative support for the Tribunal.

A. Office of the Registrar

79. The Immediate Office of the Registrar assisted the Registrar and the Deputy Registrar in formulating the strategic direction for the Judicial Support Services and the Division of Administration, and in coordinating and supervising their work. It supported the Registrar in his role as focal point for diplomatic relations, and maintained contact with embassies, Member States, the United Nations and other international organizations. That included relations with the host State. The Office also negotiated agreements for the enforcement of the Tribunal's sentences with States, thereby ensuring that persons convicted by the Tribunal were transferred to serve their sentences. Focused efforts were made to raise the awareness of Member States regarding the current lack of sufficient enforcement capacity and the ensuing risk to a successful completion of the Tribunal's mandate.

80. Following the adoption of Security Council resolution 1966 (2010), in which the Council established the International Residual Mechanism for Criminal Tribunals, the Immediate Office of the Registrar has been heavily involved in the practical arrangements necessary for the commencement of the Mechanism's operations. Under the direction of the Office of Legal Affairs, the two International Tribunals worked jointly to develop a budget proposal for the biennium 2012-2013, a proposal for an information security and access regime for the archives of the Tribunals and the Mechanism, and the Rules of Procedure and Evidence for the Mechanism. The next steps will focus on harmonizing the policies, procedures and operations of the two Tribunals in order to ensure that the Mechanism is able to commence its work on 1 July 2012.

81. The Tribunal's Communications Service managed major media events, such as the arrest of Ratko Mladić, which brought about increased interest from the media, victims, diplomatic community, academics and the general public.

82. Outreach and communication with audiences in the former Yugoslavia is one of the Registry's strategic priorities for the current biennium. Since the end of 2010, the outreach programme has been implementing a new strategy that focuses on promoting the Tribunal's achievements and its positive legacy through a wide range of events. In the past year, the programme has coordinated more than 20 visits from the region, including more than 400 visitors and 230 international group visits (comprising more than 5,700 visitors), and has participated in and organized 35 conferences and events across the region. The focus on engaging young people continued with a round of presentations in 13 Kosovo high schools involving more than 680 students. The outreach programme produced and distributed a publication entitled "Assessing the Legacy of the ICTY" in languages of the region. The programme furthermore expanded its reach to the region and international audiences through the Tribunal's official accounts on YouTube and Twitter. The popularity of these sites has been confirmed with over 2,000 followers on Twitter and over 300,000 views on YouTube, of which almost half come from the region. The

Tribunal depends upon external funding in order to implement its outreach programme. A munificent contribution from the European Commission for the next biennium has ensured the continued existence of the outreach programme, and Finland has already generously supported youth education projects. The Tribunal also notes the generous support and cooperation of the Mission to Serbia of the Organization for Security and Cooperation in Europe. Pursuant to General Assembly resolution 65/253, adopted on 24 December 2010, in which the Assembly reiterated the importance of carrying out an effective outreach programme and encouraged the Secretary-General to continue to explore measures to raise adequate voluntary resources, the Tribunal will be approaching Member States and other donors in the coming months for more support.

83. The Tribunal's website continued to be a key strategic communications tool. The month of May 2011 was a record breaker for the Tribunal's website — with 400,000 page views, the site's highest ever monthly total since its launch in 2008. The internal communication portal Tribunet was further developed as a reference platform on all issues related to the completion strategy and staff downsizing.

B. Judicial support services sections

84. In the reporting period, the Court Management and Support Services Section supported 10 cases at trial (including the *Haradinaj et al.* retrial and the *Mladić* and *Hadžić* cases, which are currently in the pre-trial phase), five cases on appeal, and four contempt cases. It provided Court Officer support for seven videoconference links, nine rule 92 bis missions, and three site visits. The Section also provided support through its Pro Se Legal Liaison Officers for three self-representing accused, facilitating solutions to issues arising in the course of the proceedings. The Court Records Assistants, Court Officers and Court Ushers processed 6,922 filings (approximately 92,000 pages) submitted by parties and others in proceedings before the Tribunal.

85. The Conference and Language Services Section continued to provide interpretation, translation, and court reporting services for all the organs of the Tribunal. The Translation Units translated approximately 66,000 pages into English, French, Bosnian/Croatian/Serbian, Albanian and Macedonian. The Interpretation Unit registered approximately 4,500 conference interpreter days. The Court Reporting Services produced over 88,000 pages of transcript. Interpretation services were also provided for official meetings, witness proofing sessions, and missions away from the seat of the Tribunal, including in the region.

86. The Victims and Witnesses Section consists of three main units. The Section's Operations and Support Units assisted 494 witnesses, and accompanying support persons, travelling to The Hague to give evidence. The Protection Unit coordinated professional responses to an increased number of threats to witnesses before, during and after their appearances to give evidence in Tribunal proceedings. Under appropriate circumstances, the Protection Unit worked to relocate protected witnesses.

87. The Office for Legal Aid and Detention Matters continued to manage the legal aid system of the Tribunal in serving over 470 defence team members, thereby ensuring that the accused's right to counsel was respected. The majority of accused who are in the Tribunal's custody receive legal aid. The Office managed facilities granted to defence team members of all cases tried at the Tribunal; of those cases,

60 per cent were of the highest complexity level. The Office continued to ensure the rights of the accused by responding to complaints and concerns of detainees held at the United Nations Detention Unit, processing visits to the Unit and acting as a liaison between defence counsel and the Tribunal. The Office provided facilities to self-represented accused in cooperation with the *Pro Se* Legal Liaison Office and the United Nations Detention Unit and managed the assignment of amicus curiae investigators and prosecutors and the resources provided thereto.

88. The United Nations Detention Unit continued to provide security and care to the 37 detainees under the authority of the Tribunal. Many of the detainees required medical care, including specialist medical care. The Unit facilitated the detainees' presence at court hearings, whether in person or through videoconference link. It facilitated a large number of requests for provisional releases of various durations, as ordered by the Chambers. It facilitated the right of accused persons to self-represent by providing extra storage and office space to self-representing accused, granting computer and database access suited to a detention environment, and allowing for witness interviews and proofing in exceptional circumstances. The Unit accommodated detained witnesses and detainees charged with contempt of the Tribunal, and it facilitated contact between detainees and the media, where appropriate.

C. Division of Administration

89. By resolution 65/253, the General Assembly, having considered the reports of the Secretary-General and the Advisory Committee on Administrative and Budgetary Questions on the revised estimates under the budget for the biennium 2010-2011, decided to appropriate to the Special Account for the Tribunal a total amount of \$320,511,800 gross (\$290,087,500 net) for the biennium 2010-2011.

90. During the biennium 2010-2011, extrabudgetary resources are estimated at \$3,319,900 to be utilized for a variety of Tribunal activities. As of 15 June 2011, cash donations of approximately \$48.9 million had been received for the Voluntary Fund to support the activities of the Tribunal. For the period from 15 June 2010 to 15 June 2011, the Tribunal received and administered \$2,393,376 in voluntary cash contributions.

91. The Division of Administration remained actively engaged in the implementation of the downsizing and comparative review process, which was formulated in consultation with staff representatives. During the biennium 2010-2011, the Tribunal downsized 170 posts. The Division of Administration is currently working closely with staff representatives in the implementation of the second comparative review exercise.

92. The Division of Administration coordinated the preparation of the revised estimates for the biennium 2010-2011 and the proposed budget for the biennium 2012-2013. The Division was heavily involved in the formulation of the first budget of the International Residual Mechanism for Criminal Tribunals. Following the closure of one of the three office buildings in The Hague, the Division of Administration finalized an office space allocation master plan in order to ensure the smooth relocation of personnel and archives to the remaining two buildings of the Tribunal.